



**THE CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS (ZBA) MEETING  
MONDAY, JANUARY 8, 2024, AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

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**AGENDA**

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To attend and participate in this remote meeting of the City of the Village of Douglas Planning Commission, please consider joining online or by phone.

Join online by visiting: <https://us02web.zoom.us/j/85046295713>

Join by phone by dialing: +1 (312) 626-6799 | Then enter "Meeting ID": 850 4629 5713

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
  - A. Motion to Approve; ZBA Meeting 1-8-24. (Roll Call Vote)
4. **APPROVAL OF MINUTES**
  - A. Motion to Approve; ZBA Meeting, 11-28-2023. (Roll Call Vote)
5. **PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES)**
6. **PUBLIC COMMUNICATION – WRITTEN**
  - A. Doug Demmert Letter
7. **NEW BUSINESS**
  - A. Public Hearing and Decision: 938 Center Street – Dimensional Variance for relief from Section 5.02.C, Site and Building Placement Standards
    - 1) Chairman declares the Public Hearing Open
    - 2) Presentation of Written Communications
    - 3) Presentation by the Petitioner
    - 4) Comments from the Audience/Response from the Petitioner
    - 5) Questions/Comments from the ZBA Members
    - 6) Chairman declares Public Hearing Closed
    - 7) Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)

- B. Public Hearing and Decision: 314 Ferry Street – Dimensional Variance requests from Section 50.2.C, Site and Building Placement Standards and Sections 16.13(4), Street Setbacks and 16.13(7) Front Yard Prohibition
  - 1) Chairman declares the Public Hearing Open
  - 2) Presentation of Written Communications
  - 3) Presentation by the Petitioner
  - 4) Comments from the Audience/Response from the Petitioner
  - 5) Questions/Comments from the ZBA Members
  - 6) Chairman declares Public Hearing Closed
  - 7) Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)

**8. UNFINISHED BUSINESS**

- A. Public Hearing and Decision Tabled from 11-28-2023: 611 Campbell Rd. – Dimensional Variance from Section 16.16.6., Setbacks
  - 1) Chairman declares the Public Hearing Reopened
  - 2) Presentation of Written Communications
  - 3) Presentation by the Petitioner
  - 4) Comments from the Audience/Response from the Petitioner
  - 5) Questions/Comments from the ZBA Members
  - 6) Chairman declares Public Hearing Closed
  - 7) Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)

**9. REPORTS OF OFFICERS, MEMBERS, COMMITTEES**

**10. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 5 MINUTES)**

**11. ADJOURNMENT**

**Please Note – The City of the Village of Douglas (the “City”) is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Laura Kasper, City Clerk, at (269) 857-1438 ext. 106, or [clerk@douglasmi.gov](mailto:clerk@douglasmi.gov) to allow the City to make reasonable accommodations for those persons. CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN**



**THE CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS (ZBA) MEETING  
TUESDAY, NOVEMBER 28, 2023, AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

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**Minutes**

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1. **CALL TO ORDER:** Chair Schumacher called the meeting to order at 7:00 PM

2. **ROLL CALL:** Present – North, Kutzel, Pullen, Pattison, Schumacher  
Also Present - Tricia Anderson, Williams & Works  
Deputy Clerk, Sean Homyen  
Applicant - Matthew Saleski

3. **APPROVAL OF AGENDA**

A. Motion to Approve; ZBA Meeting 11-28-2023. (Roll Call Vote)

*Motion by Schumacher, with support from Pullen, to approve the November 28, 2023, meeting agenda as presented.*

*Motion carried by unanimous roll call vote.*

4. **APPROVAL OF MINUTES**

A. Motion to Approve; ZBA Meeting Minutes, 1-10-2023. (Roll Call Vote)

*Motion by Pullen, with support from Pattison, to approve the January 10, 2023, meeting minutes as presented. Motion carried by unanimous roll call vote.*

5. **PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES):** No verbal communication received.

6. **PUBLIC COMMUNICATION – WRITTEN:** No written communication received.

7. **NEW BUSINESS**

A. Election of Officers, by Majority Vote

Paper ballot votes were cast per City Council request. The ballots were then read out loud to comply with the Open Meetings Act.

	<u>Chair</u>	<u>Vice-Chair</u>	<u>Secretary</u>
North	Schumacher	Kutzel	Pullen
Kutzel	Schumacher	Pullen	Pattison
Pullen	Schumacher	Pullen	Kutzel
Pattison	Schumacher	Kutzel	Pullen
Schumacher	Pullen	Kutzel	North

Schumacher declared Chair, Kutzel declared Vice-Chair, Pullen declared Secretary.

B. Public Hearing and Decision: 611 Campbell Rd. – Dimensional Variance from Section 16.16.6., Setbacks

1) Chairman declares the Public Hearing Open

2) Presentation of Written Communications – there were none.

3) Presentation by the Petitioner

Mr. Seleski presented his PowerPoint, offering a historical overview of the property, illustrating the property layout, pool plans, and sharing the due diligence he has undertaken. He indicated that the property is a short-term rental, and that he resides in the home immediately south of the subject parcel. He added that the reason for the variance request was to place the pool in the only feasible location on the property and that there are no other areas on the property where a pool could be placed. He also added that he had MISS DIG mark the location of utilities and his builder confirmed that the water service connection was not within the building envelope of the pool.

4) Comments from the Audience/Response from the Petitioner –

Patty Hansen (655 Campbell) - Concerns were raised about the proposed pool in the front yard setbacks, particularly regarding potential violation of the 35% lot coverage limit. Pedestrian safety on Campbell Street sidewalks was also a point of contention. A comparison was made with 823 Campbell, emphasizing differences in pool placement and acreage. Additional worries included the potential increase in pool users and existing problems with renters in the area

Ken Grey (607 Campbell) - Raised concerns about setting a precedent that might become a standard. Noted that numerous properties with a similar house/garage layout lack sufficient space for a pool

Seleski - Highlighted efforts to ensure his renters are respectful and mentioned his involvement in the short-term rental task force

5) Questions/Comments from the ZBA Members –

Kutzel queried the ordinance's purpose and alternative options. Seleski noted the lack of space in the rear or side yard for the proposal. Kutzel expressed concerns about the absence of a survey and potential light pollution. Tarue emphasized the importance of precedence. Regarding 823 Campbell's approval, Pattison asked if it was a short-term rental, which Anderson negated based on her research. Schumacher explained the approval was due to a medical necessity for swimming. Pattison then questioned the applicant about preventing nuisance issues with the pool, to which

the applicant, living next door, responded reassuringly. Schumacher recommended the applicant provide a survey to prove compliance with setback requirements in the rear/side yard.

6) Comments from Interim Planning and Zoning Administrator:

Ms. Anderson thanked Mr. Seleski for his presentation and introduction to the request. She provided some background on this type of request and noted that the property located at \_\_\_\_\_ Campbell was granted a variance. She added that the variables associated with the request were similar to the current request at 611 Campbell, and that the location where the pool is located was the most feasible location. She encouraged the Zoning Board of Appeals to focus on the criteria as written in the ordinance. She disagreed with the interpretation that was made regarding “financial gain” and clarified that the hardship cannot be for financial reasons in terms of meeting the letter of the ordinance being too expensive, and that it is not meant to be interpreted as, “the applicant cannot ask for a variance for the purpose of making money if the variance is granted”. She also added that the hardship and practical difficulty must be related to the condition of the land itself, and that other factors, such as whether it is a short-term rental or whether the applicant had a medical condition, should not be taken into consideration when reviewing the request. She noted that the subject property was substandard for the R-2 zoning district and that was cause for a hardship. Ms. Anderson went through each of the standards and indicated whether it would appear to be met, not met, or perhaps more information would allow the Zoning Board to determine whether the criteria were met. According to her findings, she believes that the criteria all have the potential to be met. She added that the applicant should provide a survey so that the Zoning Board can determine whether or not a pool is feasible in the rear yard. Ms. Anderson encouraged the ZBA to postpone any action until such time that the applicant can provide a survey to determine if a lesser variance is an option.

There was some discussion about a survey, and why the applicant was not asked to provide a survey with the application package. Ms. Anderson noted that it is a smart idea to always require a survey, however the Zoning Ordinance does not require it.

Ms. Anderson summarized the findings stated in her report.

1. Practical Difficulty – There are no practical difficulties as it pertains to the physical characteristics of the land that would be considered unique to the subject parcel.
2. Unique Circumstances – The substandard lot width is considered a unique circumstance that contributes to the practical difficulty in meeting the letter of the ordinance.
3. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties due to a swimming pool in the front yard, provided some vegetation is added to screen the view of the pool.
4. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was not created by the applicant, as the configuration of the dwellings on the lot have been in existence since the 1930’s.
5. Minimum Variance Necessary – Other options do not appear to be viable that would lessen or avoid the amount of relief needed from the ordinance or to rectify the inequality created by the variance that was granted at 823 Campbell for a pool in the front yard

7) Chairman declares Public Hearing Closed

Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote).

*Motion by Schumacher, with support from Kutzel, to table the motion to request that the applicant provides a survey. Motion carried by unanimous roll call vote.*

**8. UNFINISHED BUSINESS:** None

**9. REPORTS OF OFFICERS, MEMBERS, COMMITTEES** - Kutzel expressed gratitude to the front office for providing a hard copy of the packet. Schumacher extended thanks to the new member and the public for their attendance.

Ms. Anderson encouraged everyone to take the survey for the Master Plan update that the Planning Commission is working on.

**10. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 5 MINUTES):** None

**11. ADJOURNMENT:** Motion by Kutzel, supported by Pullen, to adjourn.

.. 12/18/23

Why even have Zoning  
STANDARDS with these  
Type of Variances  
if Approved.

Toy Pomeranian  
Doug Pomeranian  
304 Simapore Ct  
Douglas, MI



Y231631

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of the Village of Douglas Zoning Board of Appeals  
**Date:** January 3, 2024  
**From:** Tricia Anderson  
**RE:** 938 Center Street, Sherwood Forest Bed & Breakfast  
Dimensional Variance Request

**Request.** Property owners Eric and Teresa Lanning, have submitted an application for a dimensional variance under Section 29.05(1), Non-Use Variances, that would provide relief from Section 5.02.C. Minimum Side Yard Setback, in the R-2 Residential District. Specifically, they are requesting to construct an enclosed porch area at 4.5' from the side (east) property line, where 7' is required.

**Background.** The subject property is a .68-acre (29,620 square feet) parcel located in the R-2, Residential District. The residential structure, constructed in 1904, is used as a bed and breakfast (B&B), which is a special use in the R-2 District. The parcel is nonconforming by way of the substandard east side-yard setback which is approximately 4.5' from the property line, according to the survey provided by the applicant. The property record would reveal that that the nonconformity was created when the adjacent parcel to the east was split from the B&B parcel several years ago. It is unclear how the split was approved, as it resulted in the creation of the side yard setback nonconformity.

The property owners recently purchased the existing Sherwood Forest B&B, and have active zoning and building permits to make some major renovations within the residential structures located on the property. One of the proposed renovations not covered by the issued building and zoning permits is the enclosing of the space that exists between two portions of the residential structure on the east side. In addition to the area serving as an enclosed porch, it





would also serve as a common area pathway to the north guest room that currently only has access through the kitchen. According to the owners, a best practice for B&Bs is for all guest rooms to have access from common areas, with the exception of the kitchen, as it conflicts with practices to keep the kitchen area clean with guests using it only to eat and/or get food.

**Nonconformity.** As stated in the previous section, the residential structure on the subject property is nonconforming as a result of the split of the parent parcel to create the parcel to the east. Article 15 of the City of Douglas Zoning Ordinance regulates nonconforming structures and limits what activity is permitted in terms of alterations, repairs, and expansions. Section 15.04.a. states the following:

Section 15.04 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases the degree of a structure's nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Alterations or enlargements of structures that do not alter the nonconforming nature of the structure may be permitted, provided the alteration or enlargement complies with the provisions of this ordinance.

The emphasis here is placed on the language related to enlargement, as it is permitted, so long as it does not increase the degree of the structure's nonconformity. The proposed expansion that the variance is being sought for would not increase the structure's nonconformity, as it would not extend eastward past the existing walls of the structure.

Additionally, a provision exists within Article 15 related to *hardship*. Section 15.08 provides the procedure for the Zoning Board to hear cases in which a hardship is demonstrated as a result of the nonconformity. If the Zoning Board finds that the relief granted to allow the expansion of the nonconforming structure will not have an adverse effect on surrounding property AND is the minimum relief necessary to address the hardship, then a variance could be granted to allow the enlargement.

Section 15.08 Hardship Cases

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Board that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

Since the request to enlarge a nonconforming structure also includes the request to be relieved from the requirements of Section 5.02.C for side yard setback, the criteria outlined in Article 29 are still applicable to the request. These criteria and our remarks are detailed later in this report.

**Pre-Hearing Conference.** Section 29.05.3 requires that a pre-hearing conference be held to ensure that the applicant understands the requirements and procedures related to seeking relief from the Ordinance. We met the applicant on-site on November 30, 2023. Mr. Lanning gave us a tour of the B&B and explained the floor layout and how the north guest room does not have access through a common area. We also viewed east property line, as Mr. Lanning showed us the “notch” as he calls the area that he would like to enclose. We explained the criteria for the ZBA to grant a variance and confirmed that we felt a hardship does exist as a result of the nonconformity, which is not due to the affirmative action on behalf of the applicant. We consider our site visit to fulfill the requirement of a pre-hearing conference, as described in the ordinance language below:

- a. *Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference with the Zoning Administrator and City Attorney.*
- b. *The purposes of the pre-hearing conference shall be to:*
  - i. *Review the procedure for the hearing and identify all persons who will testify (directly or through affidavit) and the evidence to be offered on behalf of the applicant.*
  - ii. *Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.*
  - iii. *Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals, or other relief which may require action by persons or bodies other than the zoning board of appeals which will afford an adequate remedy for the applicant.*

- iv. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing*
- c. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.*
- d. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.*

**Criteria for Granting Variances: Section 29.05.** As stated earlier in this report, the Zoning Ordinance provides the procedure for the enlargement of a nonconforming structure, however, presumably, the procedure outlined in Article 15 would apply as the *only* procedure if the expansion or enlargement was also able to meet applicable dimensional standards. Since the request is both for the Zoning Board to hear the hardship case related to the enlargement of the nonconforming structure AND the request for that enlargement to be relieved from the required 7' side yard setback, the following criteria must be taken into consideration as it relates to the setback relief. All criteria must be met for the variance to be granted. These criteria are listed below, along with our remarks:

- 1) *Nonuse variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.*
  - a) *That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.*

**Remarks:** The use of the parcel is residential and no changes are proposed to the use, therefore this standard is not applicable.

- b) *That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.*

**Remarks:** There is a demonstrated practical difficulty related to the land that was created when the lot was split years ago, which created the nonconformity and denied the applicant the ability to meet the 7' side yard setback.

This criterion appears to be *met*.

- c) *That the practical difficulty or special conditions or circumstances do not result from the actions of the applicant.*

**Remarks:** As stated earlier in this report, the split occurred prior to the applicant's ownership of the B&B property, and the split was not initiated by the applicant. The subject property was once comprised of the parcels it is flanked by on the east and west sides and was considered conforming before the split occurred to create the parcel to the east.

This criterion appears to be *met*.

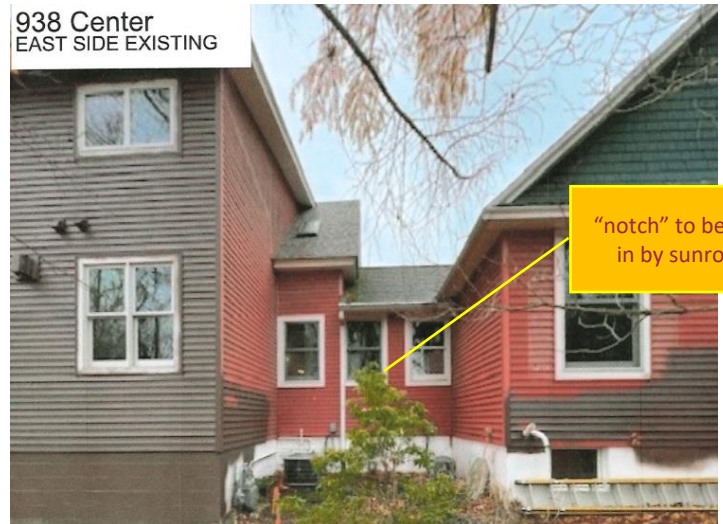
- d) *That the variance will relate only to property under the control of the applicant.*

**Remarks:** The requested variance only relates to the property in which the enlargement is proposed.

This criterion appears to be *met*.

- e) *That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.*

**Remarks:** The variance, as requested, is not likely to pose any adverse effects on the surrounding property, and would also not increase the nonconformity of the existing residential structure. Regarding whether a lesser variance or no variance is an option, we did ask the owners of the



subject property whether it was an option to purchase the adjacent parcel to the east to avoid the need for a variance, however, it is under the ownership of a separate entity, that is not interested in selling.

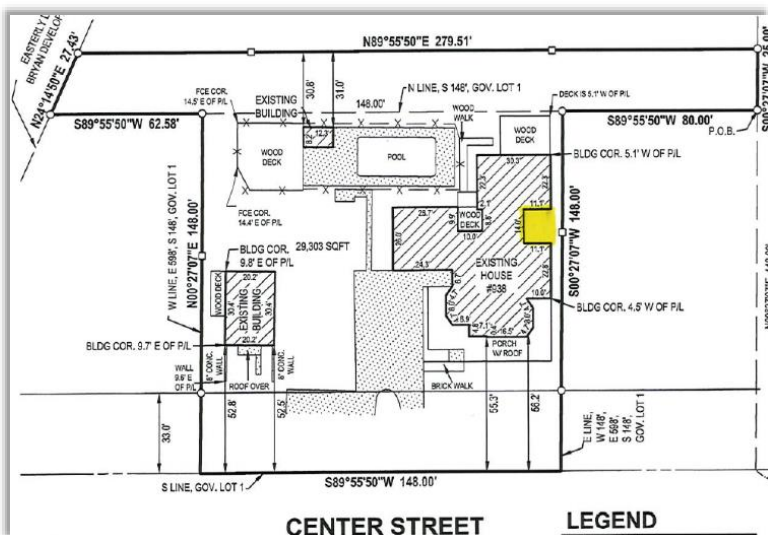
This criterion appears to be *met*.

- f) *That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.*

**Remarks:** The applicant can still use the property for a permitted purpose, even if the variance is not granted. However, conformity with the requirements of the zoning ordinance may be considered unnecessarily burdensome, as there are few options for allowing access to the rear guest room without the need to traverse through the kitchen area. The rear of the B&B is occupied by additional common areas including a pool, patio, and deck area.

This criterion appears to be *met*.

- g) *That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.*



**Remarks:** The proposed enlargement of the nonconforming structure will not increase the nonconformity of the structure. As stated earlier in this report, a lesser variance and/or meeting the letter of the Ordinance would be unnecessarily burdensome. The “notch” could be constructed to meet the 7’ side yard setback, however, it would not afford adequate space for seating in the proposed sunroom while also providing a path for access to the north guest room.

This criterion *appears to be met*.

- h) That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).*

**Remarks:** This criterion is not applicable, as it pertains to land use and not dimensions.

**Recommendation and Summary of Findings.** At the upcoming Zoning Board of Appeals meeting, the board should carefully consider all the facts presented in this report, testimony given by the applicant, and comments provided by the public. Again, all the criteria outlined in section 29.05 *must be* met in order for a variance to be granted, as well as the findings that a hardship exists and that the enlargement of the nonconforming structure would not increase the degree of nonconformity. Two suggested motions are shown below, along with our findings:

Suggested Motions:

- A. I move to **[approve/deny]** the request to enlarge a nonconforming structure, based on the following findings:
1. The subject property at 938 Center Street demonstrates a hardship as a result of a land division that occurred due to no affirmative action on behalf of the applicant. The approved land division resulted in the property line being placed at 4.5 and 5' from the existing Bed and Breakfast structure.
  2. The proposed enlargement will not extend past the walls of the existing structure, thereby not increasing the degree of the nonconformity.
- B. I move to **[approve/deny]** the granting of a variance from Section 5.02.C, Minimum Side Yard Setback in the R-2 Residential District for the purpose of constructing a sunroom addition to a lawfully nonconforming structure at 4.5' from the east side property line where 7' is required, based on the following findings:
1. Practical Difficulty – The practical difficulty is related to the splitting of the property which resulted in the structure's nonconformity by way of side yard setback.

2. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties, and any options for a lesser variance would be unnecessarily burdensome.
3. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was not due to an action of the applicant. The property configuration and the split occurred years ago before the applicant purchased the property.
4. Minimum Variance Necessary – Other options do not appear to be viable that would lessen or avoid the amount of relief needed from the ordinance.

If the Zoning Board is inclined to grant the variance, it is recommended that it be subject to the following conditions:

1. The applicant shall construct the sunroom addition in accordance with the survey submitted with this application.
2. The sunroom addition foundation shall not extend past the walls of the existing structure.
3. The applicant shall obtain necessary zoning and building permits prior to the commencement of construction of the sunroom addition.

Please feel free to reach out with any questions related to this issue.

**ARTICLE 15:**  
**NONCONFORMING USES OF LAND AND/OR STRUCTURES**

**Section 15.01 Intent and Purpose**

The intent of this Article is to permit legal nonconforming lots, structures or uses to continue until they are removed, or otherwise cease existence. No building or structure, or part thereof, shall be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of and building, structure or land, or part thereof, except in conformance with the provisions of Article 15. It is recognized that there exists within the districts established by the Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended that would be prohibited, regulated or restricted under the terms of this Ordinance.

**Section 15.02 Nonconforming Lots**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family detached dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this Ordinance. This provision shall apply even if such lot fails to meet the requirements for area and/or width in the district in which it is located; provided that yard dimensions and other requirements, of the lot, comply with the regulations for the district in which it is located, unless one of the following applies:

- a) A yard requirement variance is obtained through approval of the Zoning Board of Appeals.
- b) Wherever multiple contiguous lots of record are in single ownership, and each is below the minimum requirements for lot width, area, or both in a district, then the lots shall be combined in the minimum number necessary to meet the lot size requirements of the district in which they are located. In so doing the combined lot shall be considered a single lot for zoning purposes. See definition of "lot" in Article 2.
- c) Where an existing residentially zoned platted lot has an area of not less than ninety percent (90%) of its zoning district requirements and where such lot can provide the side yard requirements of its zoning district, a single family dwelling is permitted. An existing platted lot in single ownership of less than ninety percent (90%) of its zoning district requirements may be utilized for a single family dwelling, and for such purpose the required side yards may be reduced by the same percentage the area of such lots bears to its zoning district requirements, provided that no side yard shall be less than five (5) feet and that off-street parking requirements of Section 19.03 are met.
- d) See Section 16.13(5).

**Section 15.03 Nonconforming Use of Land**

It shall not be necessary for a legal nonconforming use, existing on the effective date of this Ordinance to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However the following restrictions apply:

- a) Documentation of the pre-existing status of any nonconforming use shall be the responsibility of the applicant.



- b) A nonconforming use shall not be changed, increased, enlarged renewed, or extended to occupy a greater land area or cubic content than was occupied at the effective date of amendment or adoption of this Ordinance.
- c) A nonconforming use shall not be moved in whole or in part to any other lot or portion of the same lot occupied by such use at the effective date of amendment or adoption of this Ordinance.

#### Section 15.04 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases the degree of a structure's nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Alterations or enlargements of structures that do not alter the nonconforming nature of the structure may be permitted, provided the alteration or enlargement complies with the provisions of this ordinance.

Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.

- b) Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.
- c) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed thereafter.
- e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### Section 15.05 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the replacement cost of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. Nothing in this Article shall be construed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### Section 15.06 Change of Tenancy or Ownership

A change of tenancy or ownership shall not affect the nonconforming status of a nonconforming structure or use, as long as there is no change in the character or nature of the nonconforming use contrary to the requirements of this Article.

### Section 15.07 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing uses or lots that become nonconforming as a result of the boundary changes.

### Section 15.08 Hardship Cases

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Board that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

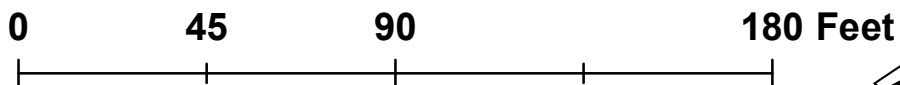
### Section 15.09 Illegal Nonconforming Uses

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without a valid zoning or building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

### Section 15.10 Abandonment of Nonconforming Uses

Any legally established nonconforming use which remains discontinued after receipt of notice by mail to the owner of record, and posting of the property in a conspicuous place, stating that "the vested right of continuance will be terminated unless the use of land or occupancy of the structure is re-established within 365 days", shall be conclusively presumed to be abandoned and shall lose all rights to continuance as a legal nonconformity.

# Allegan County Parcel Number: 59-017-061-00

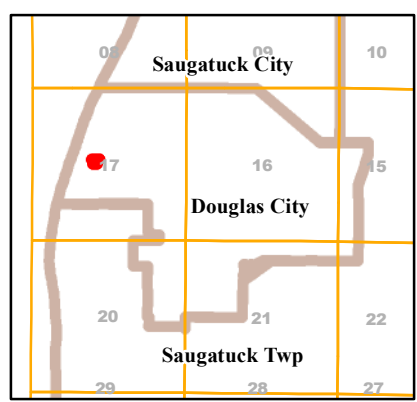


**Address:** 938 Center St  
**Owner:** Bailey James R Et Al  
**Acres:** 0.68



The information contained herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Image Year: 2019-2020 Map Date: 8/26/2021



**938 CENTER ST** DOUGLAS, MI 49406 (Property Address)

Parcel Number: 59-017-061-00

**Property Owner: WEST CENTER STREET EXCHANGE LLC**

**Summary Information**

- > Residential Building Summary
  - Year Built: 1930
  - Full Baths: 9
  - Sq. Feet: 6,845
  - Bedrooms: 10
  - Half Baths: 1
  - Acres: 0.503
- > Assessed Value: \$514,800 | Taxable Value: \$206,749
- > Property Tax information found

**Owner and Taxpayer Information**

<b>Owner</b>	WEST CENTER STREET EXCHANGE LLC 4866 KITTERY ST NW COMSTOCK PARK, MI 49321	<b>Taxpayer</b>	SEE OWNER INFORMATION
--------------	---	-----------------	-----------------------

**General Information for Tax Year 2023**

<b>Property Class</b>	401 RESIDENTIAL-IMPROVED	<b>Unit</b>	59 DOUGLAS CITY
<b>School District</b>	SAUGATUCK PUBLIC SCHOOLS	<b>Assessed Value</b>	\$514,800
<b>MAP #</b>	99	<b>Taxable Value</b>	\$206,749
<b>ACTION</b>	0	<b>State Equalized Value</b>	\$514,800
<b>USER ALPHA 1</b>	<i>Not Available</i>	<b>Date of Last Name Change</b>	10/05/2023
<b>USER ALPHA 3</b>	<i>Not Available</i>	<b>Notes</b>	<i>Not Available</i>
<b>Historical District</b>	No	<b>Census Block Group</b>	<i>No Data to Display</i>
<b>ADDESS CHANGE</b>	<i>Not Available</i>	<b>Exemption</b>	<i>No Data to Display</i>

**Principal Residence Exemption Information**

**Homestead Date** 10/16/2014

Principal Residence Exemption	June 1st	Final
2023	0.0000 %	-
2022	0.0000 %	0.0000 %

**Previous Year Information**

Year	MBOR Assessed	Final SEV	Final Taxable
2022	\$487,700	\$487,700	\$196,904
2021	\$463,400	\$463,400	\$190,614
2020	\$476,300	\$476,300	\$187,983

**Land Information**

<b>Zoning Code</b>	R-2 RESIDENTIAL	<b>Total Acres</b>	0.503
<b>Land Value</b>	\$130,000	<b>Land Improvements</b>	\$26,890
<b>Renaissance Zone</b>	No	<b>Renaissance Zone Expiration Date</b>	<i>No Data to Display</i>
<b>ECF Neighborhood</b>	BED & BREAKFAST	<b>Mortgage Code</b>	<i>No Data to Display</i>
<b>Lot Dimensions/Comments</b>	<i>No Data to Display</i>	<b>Neighborhood Enterprise Zone</b>	No

Lot(s)	Frontage	Depth
Lot 1	148.00 ft	148.00 ft
<b>Total Frontage: 148.00 ft</b>		<b>Average Depth: 148.00 ft</b>

**Legal Description**

W 148 FT OF E 598 FT OF S 148 FT OF GOVT LOT 1 ALSO COM AT E 1/4 COR TH W 2981.54' TH N 148' TO POB TH W 290.58' TH N 24 DEG 14' 50" E 27.43' ALG E'LY LIN OF BRYAN DEVELOPMENT TH E 279.51' TH S 25' TO POB SEC 17 T3N R16W (03)

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
09/29/2023	\$1,600,000.00	WD	BE OUR GUEST ENTERPRISES LLC	WEST CENTER STREET EXCHANGE LLC	03-ARM'S LENGTH	4891/897
08/02/2022	\$0.00	WD	BAILEY JAMES R & WILSON NOELENE &	BE OUR GUEST ENTERPRISES LLC	21-NOT USED/OTHER	4787/792
12/14/2021	\$950,000.00	WD	CHARAK KEITH S & MCILWAINE SUSAN L	BAILEY JAMES R & WILSON NOELENE &	16-LC PAYOFF	4710/622
09/22/2020	\$0.00	AFF	CHARAK KEITH S & MCILWAINE SUSAN L	BAILEY JAMES R ET AL	05-CORRECTING TITLE	4513/537
07/21/2020	\$0.00	QC	BAILEY JAMES R ET AL	CHARAK KEITH S & MCILWAINE SUSAN L	21-NOT USED/OTHER	4502/208
05/01/2014	\$950,000.00	LC	CHARAK KEITH S & MCILWAINE SUSAN L	BAILEY JAMES R ET AL	03-ARM'S LENGTH	3833/207
01/04/2010	\$0.00	WD	CHARAK KEITH S & MCILWAINE SUSAN L	CHARAK KEITH S & MCILWAINE SUSAN L	21-NOT USED/OTHER	3391/782
06/11/2002	\$0.00	QC	DEERPATH PARTNERS INC	CHARAK KEITH	31-SPLIT IMPROVED	2262/594
06/11/2002	\$0.00	QC	CHARAK KEITH	CHARAK KEITH & MCILWAINE SUE	31-SPLIT IMPROVED	2264/409

**Building Information - 5645 sq ft 2.5 STORY (Residential)**

**General**

<b>Floor Area</b>	5,645 sq ft	<b>Estimated TCV</b>	\$727,005
<b>Garage Area</b>	576 sq ft	<b>Basement Area</b>	2,258 sq ft
<b>Foundation Size</b>	2,258 sq ft		
<b>Year Built</b>	1930	<b>Year Remodeled</b>	No Data to Display
<b>Occupancy</b>	Single Family	<b>Class</b>	B
<b>Effective Age</b>	26 yrs	<b>Tri-Level</b>	No
<b>Percent Complete</b>	100%	<b>Heat</b>	Forced Heat & Cool
<b>AC w/Separate Ducts</b>	No	<b>Wood Stove Add-on</b>	No
<b>Basement Rooms</b>	0	<b>Water</b>	Public Water
<b>1st Floor Rooms</b>	0	<b>Sewer</b>	Public Sewer
<b>2nd Floor Rooms</b>	0	<b>Style</b>	2.5 STORY
<b>Bedrooms</b>	6		

**Area Detail - Basic Building Areas**

Height	Foundation	Exterior	Area	Heated
2.5 Story	Basement	Siding	2,258 sq ft	2.5 Story

**Exterior Information**

<b>Brick Veneer</b>	0 sq ft	<b>Stone Veneer</b>	0 sq ft
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**Basement Finish**

<b>Recreation</b>	0 sq ft	<b>Recreation % Good</b>	0%
<b>Living Area</b>	0 sq ft	<b>Living Area % Good</b>	0%
<b>Walk Out Doors</b>	0	<b>No Concrete Floor Area</b>	0 sq ft

**Plumbing Information**

<b>3 Fixture Bath</b>	6	<b>2 Fixture Bath</b>	1
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**Built-In Information**

<b>Appliance Allow.</b>	1
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**Fireplace Information**

<b>Prefab 1 Story</b>	3	<b>Wood Stove</b>	1
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**Garage Information**

<b>Area</b>	576 sq ft	<b>Exterior</b>	Siding
<b>Foundation</b>	42 Inch	<b>Common Wall</b>	Detached
			No
			0

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**Porch Information**

<b>WCP (1 Story)</b>	857 sq ft	<b>Foundation</b>	Standard
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**Deck Information**

<b>Treated Wood</b>	300 sq ft
<b>Treated Wood</b>	80 sq ft

**Building Information - 1200 sq ft RANCH (Residential)**

**General**

<b>Floor Area</b>	1,200 sq ft	<b>Estimated TCV</b>	\$145,624
<b>Garage Area</b>	0 sq ft	<b>Basement Area</b>	1,200 sq ft
<b>Foundation Size</b>	1,200 sq ft		
<b>Year Built</b>	1930	<b>Year Remodeled</b>	No Data to Display
<b>Occupancy</b>	Duplex	<b>Class</b>	C + 10
<b>Effective Age</b>	42 yrs	<b>Tri-Level</b>	No
<b>Percent Complete</b>	100%	<b>Heat</b>	Forced Heat & Cool
<b>AC w/Separate Ducts</b>	No	<b>Wood Stove Add-on</b>	No
<b>Basement Rooms</b>	0	<b>Water</b>	Public Water
<b>1st Floor Rooms</b>	0	<b>Sewer</b>	Public Sewer
<b>2nd Floor Rooms</b>	0	<b>Style</b>	RANCH
<b>Bedrooms</b>	4		

**Area Detail - Basic Building Areas**

Height	Foundation	Exterior	Area	Heated
1 Story	Basement	Siding	600 sq ft	1 Story

**Exterior Information**

<b>Brick Veneer</b>	0 sq ft	<b>Stone Veneer</b>	0 sq ft
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**Basement Finish**

<b>Recreation</b>	0 sq ft	<b>Recreation % Good</b>	0%
<b>Living Area</b>	0 sq ft	<b>Living Area % Good</b>	0%
<b>Walk Out Doors</b>	0	<b>No Concrete Floor Area</b>	0 sq ft

**Plumbing Information**

<b>3 Fixture Bath</b>	3
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**Built-In Information**

<b>Appliance Allow.</b>	1
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**Fireplace Information**

<b>Interior 1 Story</b>	1
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**Porch Information**

<b>CCP (1 Story)</b>	36 sq ft	<b>Foundation</b>	Standard
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**Deck Information**

<b>Treated Wood</b>	108 sq ft
<b>Treated Wood</b>	72 sq ft

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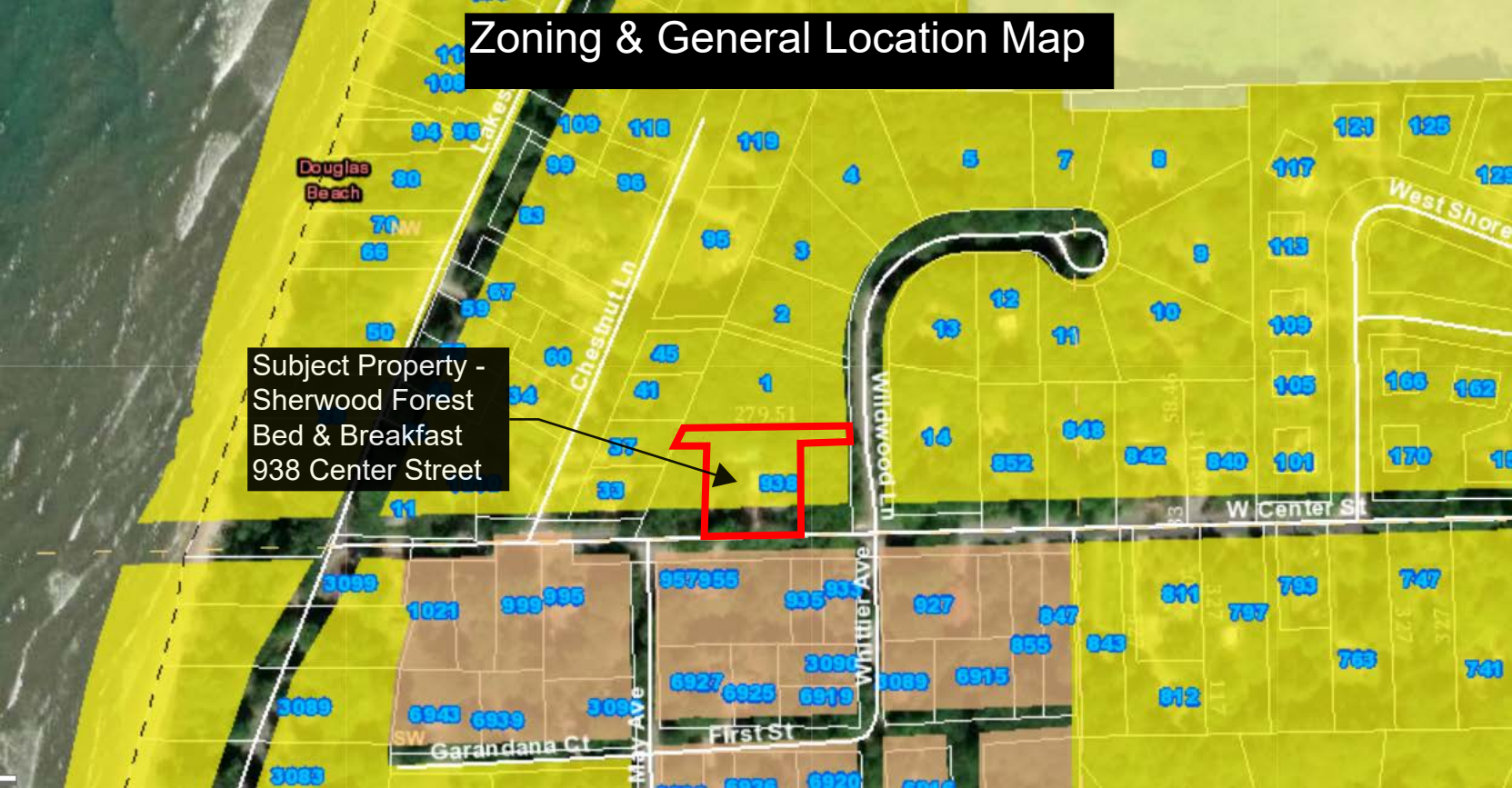
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# Zoning & General Location Map

Subject Property -  
Sherwood Forest  
Bed & Breakfast  
938 Center Street





CITY OF THE VILLAGE OF DOUGLAS

# ZONING BOARD OF APPEALS REQUEST FOR VARIANCES APPLICATION

86 W. CENTER STREET, DOUGLAS, MI 49406  
Phone: 269-857-1438 FAX: 269-857-4751

**\$500.00 Fee Required (Article 29 Zoning Board of Appeals)**

## APPLICANT INFORMATION *(If different than owner)*

Name \_\_\_\_\_ Email \_\_\_\_\_  
Address \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

## OWNER INFORMATION

Name Teresa Lanning Email lanninget@gmail.com  
Address 150 Center St Unit I, PO Box 250, Douglas, MI 49406  
Phone # 616.437.4167 Fax # n/a

## PROPERTY INFORMATION

Address or Location 938 Center St, Douglas, MI, 49406  
Permanent Parcel # 59-017-061-00  
Zone District (Current) R2 (Proposed) \_\_\_\_\_  
Property Size 0.69 acres *(If Applicable)*

### Describe Variance Request

The variance request is to build an addition to our existing BnB home that is closer than 7' setback. Our entire home, as it exists now, is only 4' from the lot line except for this odd 'notch' we aim to fill. If approved, this single-story addition will be in line with the rest of the home. The reason for the addition is to provide a safer barrier-free access to the rear guest space without passing through the kitchen, ensuring food safety and preventing slip & falls or accidental burns.

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

Signature of Applicant and Owner *(If different than applicant)*

12/11/23  
Date

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

Owner's Signature

12/11/23  
Date

## DO NOT WRITE IN THIS BOX

Date Received \_\_\_\_\_ Application Accepted By \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_  
Submitted Materials: \_\_\_\_\_ Site Plan \_\_\_\_\_ Application \_\_\_\_\_ Legal Description \_\_\_\_\_ Narrative Description \_\_\_\_\_



*For Office Use Only*

REMARKS

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*Other (Where Applicable):*

*Plans sent to Saugatuck Fire District on:* \_\_\_\_\_

*Approved on:* \_\_\_\_\_

*Planning Commission Review on:* \_\_\_\_\_

*Minutes attached:* \_\_\_\_\_

*Zoning Board of Appeals Review on:* \_\_\_\_\_

*Minutes attached:* \_\_\_\_\_

Faxed to KLWSA (269-857-1565) on: \_\_\_\_\_

**ZONING APPROVAL**

**APPROVED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

**DENIED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

**KLSWA APPROVAL**

APPROVED FOR CONNECTION TO WATER/WASTEWATER SYSTEM

(Subject to appropriate connection fees and charges)

Street and Number \_\_\_\_\_

KALAMAZOO LAKE SEWER AND WATER AUTHORITY

**APPROVED**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**DENIED**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS  
REQUEST FOR VARIANCES  
APPLICANT SUMMARY OF FACTS**

Adopted 6/27/05

1. Date of application 12/1/23
2. Name of applicant (or authorized agent) Teresa Lanning
3. Address of applicant 150 Center St Unit I, PO Box 250, Douglas, MI
4. Telephone (Home) 616.437.4167 (Business) \_\_\_\_\_
5. Address of property in question 938 Center St.
6. Legal description and/or property description number  
59-017-061-00
7. Present zoning and use of property R2 Bed & Breakfast
8. Present zoning and use of adjacent properties R2 Residential
9. State variance requested and reference Article 29 (Zoning Board of Appeals) and Sub-  
Section 29.05 (1) variances and 29.05 (2).  
Variance of side yard setback is requested, allowing for a 4' side yard setback in lieu of 7' minimum, (Sec 5.02) to allow for addition of 14' wide room aligned with the surrounding home. With the unique use of our property (BnB) and unique existing lot position, this request does not generally apply to other properties in R2 zone; nor will it be recurrent in nature (Sec 29.05b)
10. Attach ten (10) copies of a current property survey together with accompanying site plan delineating property lines, proposed construction/setbacks, as well as any other information that may assist the Zoning Board of Appeals.
11. Due to public notice requirements, applications must be received no less than twenty one (21) days prior to the scheduled meeting date, however the Chairman retains the right to schedule meetings based upon the adequacy of the information received.

12. I have read/reviewed the Douglas Zoning Ordinance in regard to the Zoning Board of Appeals (Article 29) and the requirements for a Variance, and hereby give the Zoning Board of Appeals permission to examine the property in question.

**In order for the Zoning Board of Appeals to grant a variance a “practical difficulty” must exist. The “practical difficulty” must not be self created, must not be economic, and must not adversely affect the neighborhood. If you are requesting a non-use variance please answer the following 5 questions in order to verify the conditions for a variance exist.**

**Question 1 – Zoning Ordinance Section 29.05 a)**

Please list the practical difficulties which prevent carrying out the strict letter of the Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

Following the strict letter of the ordinance (7' setback) would result in an odd looking alcove and a small room, only marginally better than the current situation. The roofline and exterior walls would be jagged and mis-aligned, resulting in a non-historic looking addition.

**Question 2 – Zoning Ordinance Section 29.05 b)**

Please list the genuine practical difficulty that exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

The home was built in 1904 and was all alone on a large plot of land. The issue of the lot line being just 4 feet from the house was created approx. Decades ago when the surrounding land was parceled off and the neighboring lot was created. At that time, the present difficulty was created.

**Question 3 – Zoning Ordinance Section 29.05 c)**

Please verify that the practical difficulty or special conditions or circumstances that are due to no fault of your own.

We acquired the property only recently (9/29/23). The lot line constraint was created long before.

**Question 4 – Zoning Ordinance Section 29.05 e)**

Please verify that the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood.

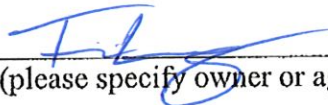
The variance would only have a positive effect on surrounding property, resulting from improved aesthetics of the new space, compared to if it were constructed according to the strict letter of the ordinance.

**Question 5 – Zoning Ordinance Section 29.05 g)**

Please verify that the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or to mitigate the hardship.

The requested variance is for only the additional depth necessary for the external wall of the new space to match the surrounding walls of the house - no more than that. It will therefore not be any nearer to the lot line than the rest of the house.

Applicant's Signature \_\_\_\_\_

 OWNER  
(please specify owner or agent)

\$500.00 Application Fee enclosed/attached \_\_\_\_\_

=====  
City of the Village of Douglas use only

Date application received \_\_\_\_\_

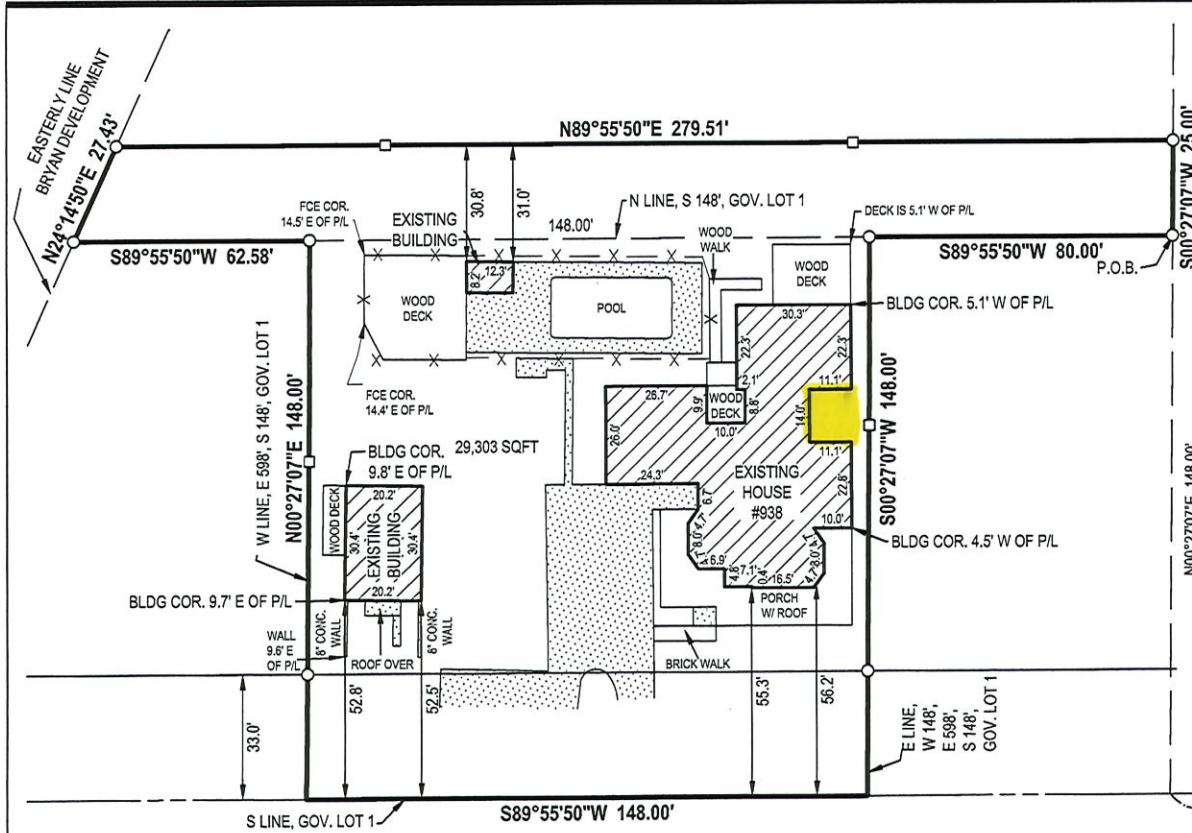
Date to be reviewed by the Zoning Board of Appeals \_\_\_\_\_

Variance: Approved \_\_\_\_\_ Denied \_\_\_\_\_ Approved with conditions as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_ By \_\_\_\_\_

Clerk and/or Zoning Administrator



### DESCRIPTION

Land situated in the City of Douglas, County of Allegan, Michigan, described as follows:

The West 148 feet of the East 598 feet of the South 148 feet of Government Lot 1, Section 17, Town 3 North, Range 16 West; Also part of the Northwest 1/4 of Section 17, Town 3 North, Range 16 West, described as commencing at the East 1/4 corner of said Section 17; thence South 89 degrees 55 minutes 50 seconds West 2981.54 feet along the East-West 1/4 line of said Section 17; thence North 00 degrees 27 minutes 07 seconds East 148.00 feet to the Point of Beginning of the parcel of land herein described; thence South 89 degrees 55 minutes 50 seconds West 290.58 feet; thence North 24 degrees 14 minutes 50 seconds East 27.43 feet along the Easterly line of Bryan Development as recorded in Liber 5 of Plats, Page 40, Allegan County, Michigan, Records; thence North 89 degrees 55 minutes 50 seconds East 279.51 feet; thence South 00 degrees 27 minutes 07 seconds West 25 feet to the Point of Beginning.

(Warranty Deed, Document No. 2021030338, dated December 20, 2021, Allegan County Register of Deeds)

### CENTER STREET

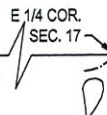
### LEGEND

- Iron - Found
- Set Wood Stake
- X - X - Fence
- ▨ Concrete
- ▨ Existing Building

### SCHEDULE B - SECTION II NOTES

Title not provided at time of survey.

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon. This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.



By: *Scott A. Hendges*  
 Scott A. Hendges Licensed Professional Surveyor No. 4001047953

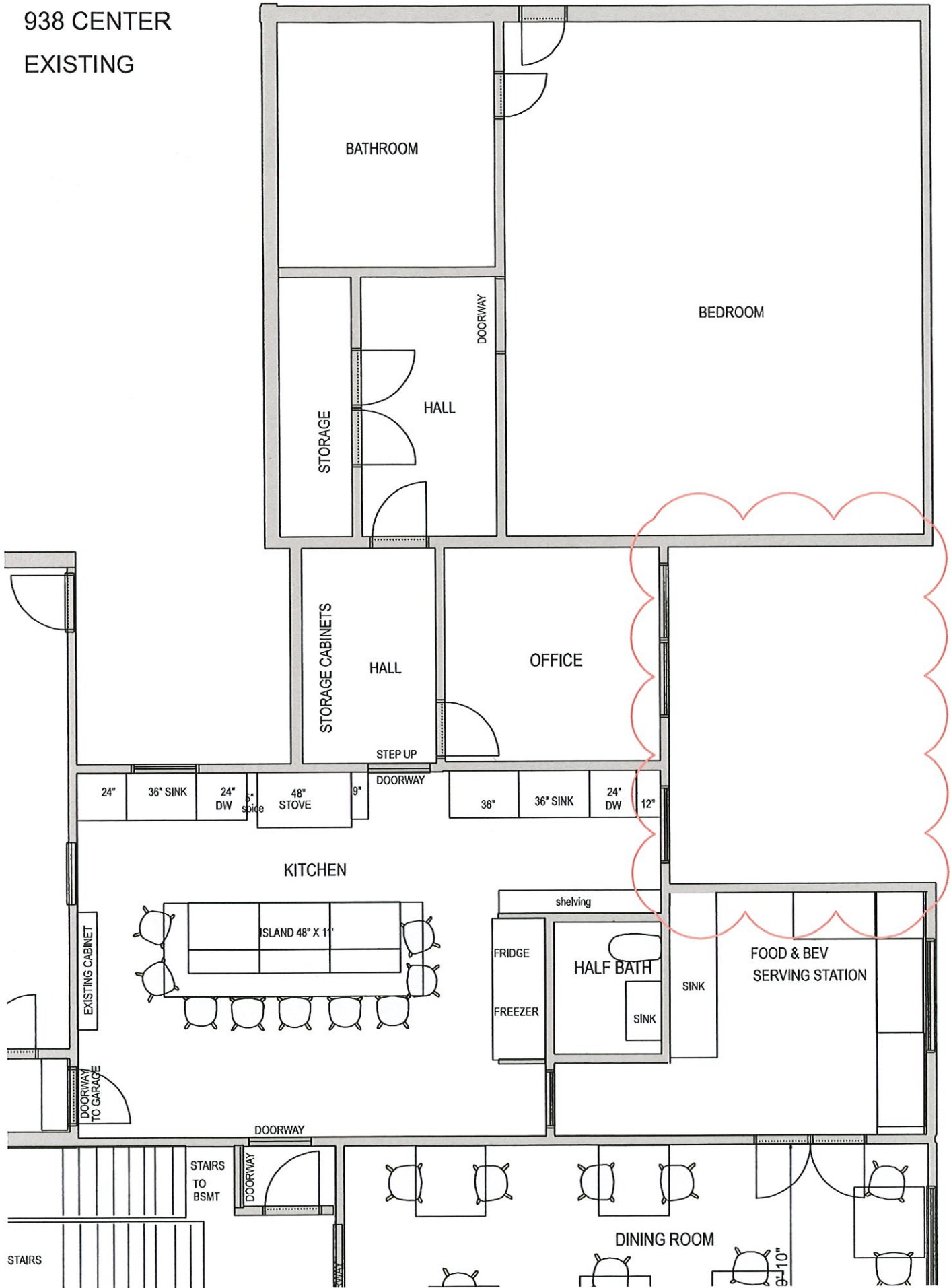
SCALE: 1" = 40'



Sherwood Forest Bed & Breakfast Jim Bailey 938 Center Street Douglas, MI 49406		
938 Center Street		
DRAWN BY: JR REV. BY: REV.:	DATE: 5.31.22 REV. DATE:	PRJ #: 22200897 1 OF 1

**NEDERVELD**  
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 Holland, MI 49423  
 Ann Arbor, Chicago, Columbus,  
 Grand Rapids, Indianapolis, St. Louis

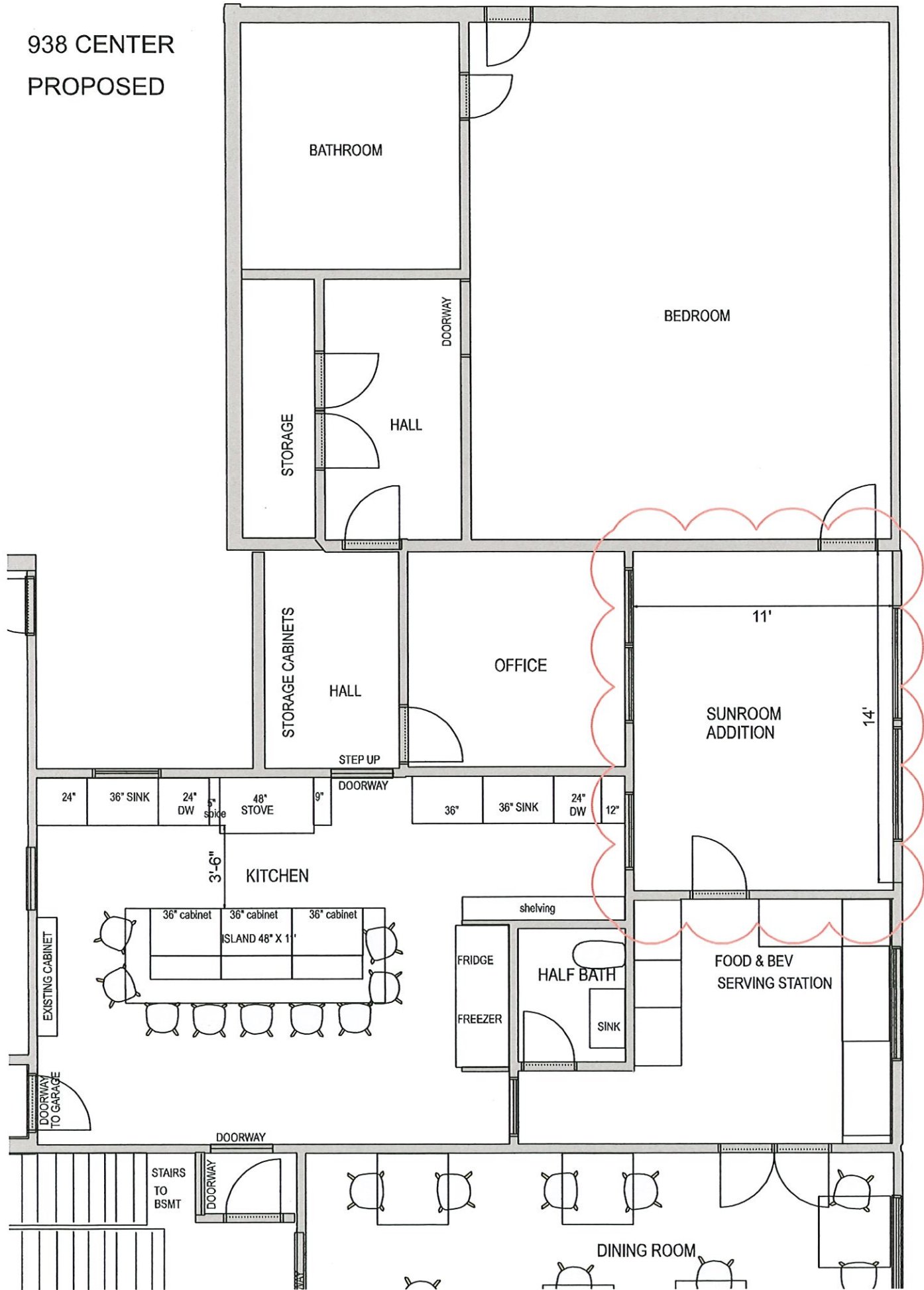
938 CENTER  
EXISTING



938 Center  
EAST SIDE EXISTING



938 CENTER  
PROPOSED





# 938 Center

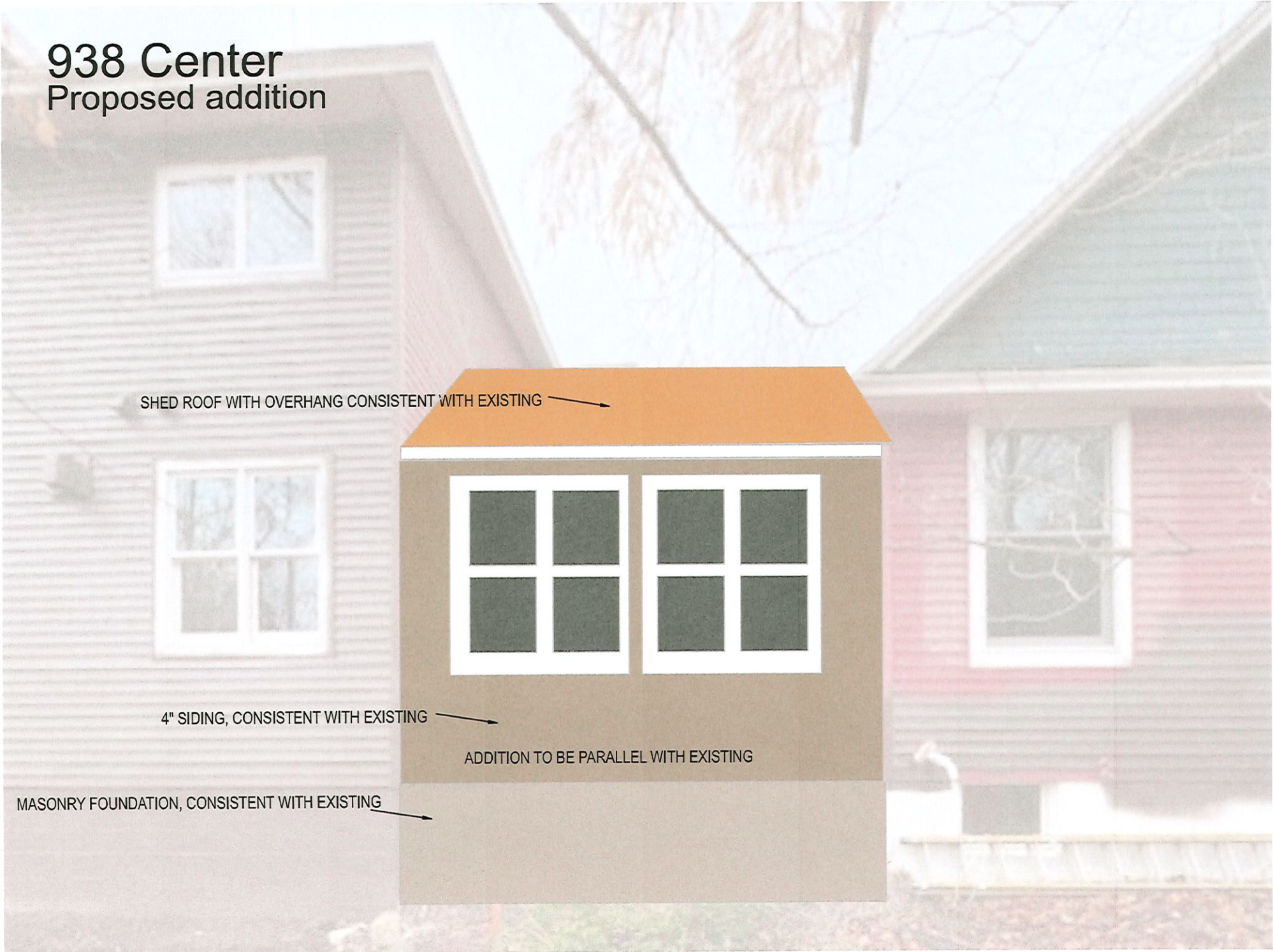
Proposed addition

SHED ROOF WITH OVERHANG CONSISTENT WITH EXISTING

4" SIDING, CONSISTENT WITH EXISTING

ADDITION TO BE PARALLEL WITH EXISTING

MASONRY FOUNDATION, CONSISTENT WITH EXISTING



# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of the Village of Douglas Zoning Board of Appeals  
**Date:** January 3, 2024  
**From:** Tricia Anderson  
**RE:** 314, 316 and 318 Ferry Street - Dimensional Variance Request

**Request.** Mr. Chris Meyer has submitted an application for a dimensional variance under Section 29.05(1), Non-Use Variances, that would provide relief from Section 5.02.C. Minimum Rear Yard Setback and Minimum Front Yard Setback in the R-2 Residential District. Specifically, the applicant is seeking the following variances:

1. Relief from Section 5.02.C. Site and Building Placement Standards in the R-2 Residential Zoning District (side and rear yard setback). Specifically, the applicant seeks a variance to allow a 10-foot rear yard setback where 25 feet is required, for the purpose of constructing a single-family home.
2. Relief from Sections 16.13(4), Street Setbacks and 16.13(7), Front Yard Prohibition [as applicable to accessory buildings]. Specifically, the applicant seeks a variance to allow a 5-foot front yard setback, where 35' is required, and to allow the accessory building in the front yard, where it is prohibited.



**Background.** The subject property consists of three parcels located at 314, 316 and 318 Ferry Street. The combination of the three parcels equates to .79 acres (34,412 square feet). The three parcels are generally located on the west side of Ferry Street, just south of the Ferry Street – Campbell Road intersection. The parcels are zoned R-2, Residential. As noted above, the applicant wishes to combine the three parcels and construct a single-family home and an accessory building with future residential use.

Page 2 of 7

The reason for the variance request is to reduce the impact on the wetlands that encumber the three parcels. The applicant has made progress over the past year or so on an application for a wetland permit that is required to impact the wetlands, administered by the Department of Energy, Great Lakes and Environment (EGLE). The variance application materials include a wetland determination report, the site plan drawn by Driesenga & Associates, used in the EGLE permit application, a survey, and legal descriptions.

Originally, the applicant's application to EGLE included three homes, which was denied for the following reasons:

1. The proposed project is not in the public interest.
2. The proposed project will cause an unacceptable disruption to the natural resources associated with the Kalamazoo River watershed.
3. It has not been demonstrated that less impactful feasible and prudent alternatives that achieve the project purpose do not exist.

The applicant indicates that the third reason for denial has prompted somewhat of a "plan B", in which the three parcels are combined and only one home and one accessory building are constructed. The applicant indicates that the location of the buildings are recommended by EGLE, and that if the applicant seeks and is approved for a variance from the City to locate the buildings in the locations shown on the site plan, it would further reduce the impact on the wetlands.

If the Zoning Board is inclined to grant the variance, the result would be the least amount of disturbance. It has been noted by the applicant in the pre-application conference that the EGLE permit *may* be issued for the one home and one accessory building, even without the variance, however, the reduced impact on wetlands would be the best-case scenario for the environment, and the public.

**Pre-Hearing Conference.** Section 29.05.3 requires that a pre-hearing conference be held to ensure that the applicant understands the requirements and procedures related to seeking relief from the Ordinance. We met with the applicant on November 17, 2023, and also made a site visit. Our meeting and site visit fulfill the requirement of a pre-hearing conference, as described in the ordinance language below:

- a. *Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference with the Zoning Administrator and City Attorney.*
- b. *The purposes of the pre-hearing conference shall be to:*

- i. Review the procedure for the hearing and identify all persons who will testify (directly or through affidavit) and the evidence to be offered on behalf of the applicant.*
  - ii. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.*
  - iii. Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals, or other relief which may require action by persons or bodies other than the zoning board of appeals which will afford an adequate remedy for the applicant.*
  - iv. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing*
- c. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.*
  - d. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.*

**Criteria for Granting Variances: Section 29.05.** The following criteria must be taken into consideration by the Zoning Board of Appeals in its review of the request. All criteria must be met for the variance to be granted. These criteria are listed below, along with our remarks:

- 1) *Nonuse variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.*
  - a) *That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.*

**Remarks:** The use of the parcel is residential and no changes are proposed to the use, therefore this standard is not applicable.

- b) *That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or*

*topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.*

**Remarks:** The site is encumbered by wetlands, as demonstrated in the wetland determination report and the site plan drawn by Driesenga & Associates. There is only a small portion of the land within the three parcels that is considered “upland” and suitable for the construction of a home and accessory building. The wetland encumbrance is a physical condition that causes practical difficulty.

This criterion appears to be *met*.

- c) *That the practical difficulty or special conditions or circumstances do not result from the actions of the applicant.*

**Remarks:** The applicant purchased all three parcels with the intent to construct a home on each. The location of the wetlands is not due to any affirmative action on behalf of the applicant, and they were present at the time the property was purchased.

This criterion appears to be *met*.

- d) *That the variance will relate only to property under the control of the applicant.*

**Remarks:** The applicant is not proposing any improvements in areas that are not owned by the applicant. There is a shared driveway within an easement that provides access to the home located at 342 Ferry. This area is not impacted by the proposed home or the wetland disturbance, as far as we can tell.

This criterion appears to be *met*.

- e) *That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.*

**Remarks:** The proposed land use is permitted by right in the R-2 zoning district and would be compatible with the homes in the surrounding area. The surrounding property owners may view the construction as bothersome, however, the applicant is entitled to the same land use that others in the R-2 zoning district are afforded.

This criterion appears to be *met*.

- f) *That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.*

**Remarks:** The strict compliance with the letter of the ordinance relevant to setbacks and location of the accessory building may render the subject property “unbuildable” and would undoubtedly prevent the owner from using the property for a permitted purpose.

This criterion appears to be *met*.

- g) *That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.*

**Remarks:** As stated earlier in this report, the applicant has indicated that EGLE *may* issue the permit even without the variance, however, the hardship lies with the wetlands that encumber the subject property. The hardship can be mitigated and the impact upon the wetlands if the variance is granted to allow the locations of the home and accessory building as shown on the site plan.

This criterion *appears to be met*.

- h) *That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).*

**Remarks:** This criterion is not applicable, as it pertains to land use and not dimensions.

**Recommendation and Summary of Findings.** At the upcoming Zoning Board of Appeals meeting, the board should carefully consider all the facts presented in this report, testimony

given by the applicant, and comments provided by the public. Again, all the criteria outlined in section 29.05 *must be* met in order for a variance to be granted. A suggested motion is shown below, along with our findings:

Suggested Motion:

I move to **[approve/deny]** the granting of a variance from Section 5.02.C, Minimum Rear Yard Setback in the R-2 Residential District for the purpose of constructing a single-family home at 10' from the east side property line where 25' is required, as well as for the accessory building to be constructed within the front yard, at 5' from the front property line, where 35' is required, based on the following findings:

1. Practical Difficulty – The practical difficulty is a result of the subject property being encumbered with wetlands.
2. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties, and any options for a lesser variance would be unnecessarily burdensome, particularly if a lesser variance would pose a greater impact on the wetlands.
3. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was not due to an action of the applicant and the wetlands were present when the applicant purchased the property.
4. Minimum Variance Necessary – Other options do not appear to be viable that would provide relief from the ordinance while reducing the impact on the wetlands.

If the Zoning Board is inclined to grant the variance, it is recommended that it be subject to the following conditions:

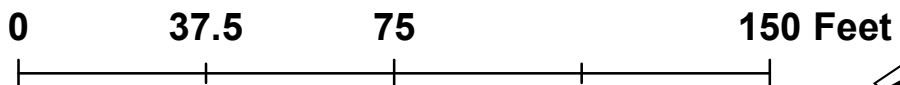
1. The applicant shall construct the home and the accessory building in strict conformance with the survey submitted with this application.
2. The accessory building shall not be constructed until the home construction is complete in accordance with Section 16.13(8).
3. Any proposed residential use of the accessory building shall first be reviewed and approved by the Planning Commission as a special land use.
4. The applicant shall obtain the required permits for the wetland impacts from the Department of Energy, Great Lakes and Environment (EGLE). No zoning permits or building permits shall be issued until the City is provided with a copy of the required EGLE permit.

5. The applicant shall obtain the necessary zoning and building permits prior to the commencement of any construction or land preparations.

Please feel free to reach out with any questions related to this issue.



# Alleghan County Parcel Number: 59-017-004-00

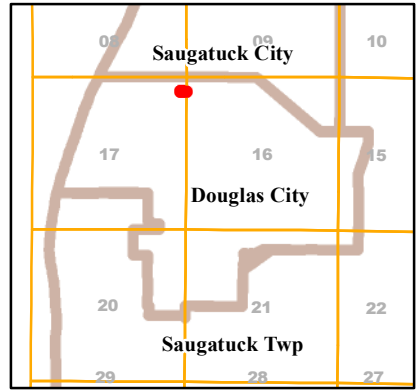


**Address:** 314 Ferry St  
**Owner:** Hardwick G T & Day Jo Ann  
**Acres:** 0.27



The information contained herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Image Year: 2019-2020 Map Date: 8/26/2021



# Zoning & General Location Map



314, 318, 316 Ferry St.

**314 N FERRY ST** DOUGLAS, MI 49406 (Property Address)

Parcel Number: 59-017-004-00

**Property Owner:** MIENTERTAINMENT GROUP, INC

**Summary Information**

> Assessed Value: \$19,500 | Taxable Value: \$19,500

> Property Tax information found

**Parcel is Vacant**

**Owner and Taxpayer Information**

<b>Owner</b>	MIENTERTAINMENT GROUP, INC 6231 BRIDGEWATER CIRCLE EAST LANSING, MI 48823	<b>Taxpayer</b>	SEE OWNER INFORMATION
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**General Information for Tax Year 2023**

<b>Property Class</b>	402 RESIDENTIAL-VACANT	<b>Unit</b>	59 DOUGLAS CITY
<b>School District</b>	SAUGATUCK PUBLIC SCHOOLS	<b>Assessed Value</b>	\$19,500
<b>MAP #</b>	68	<b>Taxable Value</b>	\$19,500
<b>ACTION</b>	0	<b>State Equalized Value</b>	\$19,500
<b>USER ALPHA 1</b>	Not Available	<b>Date of Last Name Change</b>	06/14/2022
<b>USER ALPHA 3</b>	Not Available	<b>Notes</b>	Not Available
<b>Historical District</b>	No	<b>Census Block Group</b>	No Data to Display
<b>ADDESS CHANGE</b>	Not Available	<b>Exemption</b>	No Data to Display

**Principal Residence Exemption Information**

**Homestead Date** No Data to Display

Principal Residence Exemption	June 1st	Final
2023	0.0000 %	-
2022	0.0000 %	0.0000 %

**Previous Year Information**

Year	MBOR Assessed	Final SEV	Final Taxable
2022	\$19,500	\$19,500	\$16,573
2021	\$19,500	\$19,500	\$16,044
2020	\$18,800	\$18,800	\$15,823

**Land Information**

<b>Zoning Code</b>	R-2 RESIDENTIAL	<b>Total Acres</b>	0.243
<b>Land Value</b>	\$39,000	<b>Land Improvements</b>	\$0
<b>Renaissance Zone</b>	No	<b>Renaissance Zone Expiration Date</b>	No Data to Display
<b>ECF Neighborhood</b>	DOUGLAS NORTHWEST	<b>Mortgage Code</b>	No Data to Display
<b>Lot Dimensions/Comments</b>	FLAG LOT	<b>Neighborhood Enterprise Zone</b>	No

Lot(s)	Frontage	Depth
Lot 1	65.00 ft	97.00 ft
Lot 2	40.00 ft	107.00 ft
<b>Total Frontage: 105.00 ft</b>		<b>Average Depth: 102.00 ft</b>

**Legal Description**

COM AT NE COR TH S 484.5' TH CONT S 35' TH W 235' TH N 65' TH E 97' TH N 10' TH E 10' TH S 40' TH E 128' TO POB SEC 17 T3N R16W (04).

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
06/09/2022	\$130,000.00	WD	HARDWICK GT & DAY JO ANN	MIENTERTAINMENT GROUP INC	20-MULTI PARCEL SALE REF	4770/740
06/03/2003	\$0.00	QC	HARDWICK GT & DAY JO ANN	HARDWICK GT & DAY JO ANN	31-SPLIT IMPROVED	2510/30
09/29/1997	\$80,100.00	WD	AMODEO JOHN ANTHONY	HARDWICK GT & DAY JO ANN	03-ARM'S LENGTH	1679/127
05/21/1997	\$0.00	QC	LINALE SYLVIA	AMODEO JOHN ANTHONY	21-NOT USED/OTHER	1668/193

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**From:** Mercs, Deana (EGLE)  
**Sent:** 9/28/2023 12:47:34 PM  
**To:** "chris@mientertainmentgroup.com" <chris@mientertainmentgroup.com>  
**Cc:** "Walsh, Riley (EGLE)" <WalshR2@michigan.gov>; "City of Douglas (douglas@ci.douglas.mi.us)" <douglas@ci.douglas.mi.us>; "Allegan County Drain Commissioner (dmedemar@allegancounty.org)" <dmedemar@allegancounty.org>; "Jacob Wheatley" <JWheatley@ALLEGANCOUNTY.ORG>  
**Subject:** EGLE Application Denial Letter - PM-WN6W-EVDVJ -Christopher Meyer  
**Attachments:** Application Denial Letter.pdf

Dear Applicant:

**SUBJECT:** Applicant: Christopher Meyer  
Submission Number: PM-WN6W-EVDVJ  
MiEnviro Site Name: 03-314 Ferry Street-Douglas

Please see attached application denial letter.

Should you have any questions or concerns regarding this letter, please contact Riley Walsh at 517-281-6666 or [WalshR2@michigan.gov](mailto:WalshR2@michigan.gov).

Sincerely,

Deana Mercs  
Secretary  
Water Resources Division /Kalamazoo District Office  
Michigan Department of Environment, Great Lakes, and Energy  
Ph: 269-330-8571 | [MercsD@michigan.gov](mailto:MercsD@michigan.gov)  
[Follow Us](#) | [Michigan.gov/EGLE](https://Michigan.gov/EGLE)



ATTACHMENT NAME:

Application Denial Letter.pdf

ATTACHMENT TYPE:

Adobe Portable Document Format (PDF) compound image



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
KALAMAZOO DISTRICT OFFICE



PHILLIP D. ROOS  
DIRECTOR

September 28, 2023

VIA EMAIL

Christopher Meyer  
2454 Black Horse Drive NE  
Grand Rapids, Michigan 49505

Dear Christopher Meyer:

SUBJECT: Application Denial  
Submission Number: HPM-WN6W-EVDVJ  
Allegan County  
Site Name: 03-314 Ferry Street-Douglas

This letter is to notify you that your application for a permit submitted under the authority of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and Part 13, Permits, of the NREPA, is hereby denied. The application was received by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), on September 29, 2022.

The purpose of the project, as shown in your application, is to construct two houses and a driveway to allow for multiple members of the applicant's family to live within close proximity. The project area involves three adjoining parcels totaling 0.79 acres in size.

After due consideration of the permit application, site conditions, and other pertinent materials, your application is denied for the following reasons:

- a) The proposed project is not in the public interest.
- b) The proposed project will cause an unacceptable disruption to the natural resources associated with the Kalamazoo River watershed.
- c) It has not been demonstrated that less impactful feasible and prudent alternatives that achieve the project purpose do not exist.

Section 30302 of Part 303 of the NREPA recognizes several benefits that wetlands convey, including providing flood control, wildlife habitat, groundwater recharge, pollution treatment, erosion control, and a source of nutrients and safety for fish and other organisms. Being located near Kalamazoo Lake and the Kalamazoo River, this wetland directly contributes flood storage to the watershed. The wetland proposed to be impacted is associated with the local Kalamazoo River HUC 12 watershed, which has experienced a 51 percent loss of wetlands over time.

Section 30311 of Part 303 requires that a permit to impact regulated wetlands shall not be issued unless EGLE determines that the project is in the public interest. Section 30311(2) requires that EGLE weigh the benefit which would reasonably be expected to accrue from the project with the reasonably foreseeable detriments of the activity. Section 30311(2) then details nine general criteria that shall be considered when making this determination:

- a) The relative extent of the public and private need for the proposed activity.
- b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits of the activity.

- c) The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetland provides.
- d) The probable effects of each proposal in relation to the cumulative effects created by other existing and anticipated activities in the watershed.
- e) The probable effects on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
- f) The size of the wetland being considered.
- g) The amount of remaining wetland in the general area.
- h) Proximity to any waterway.
- i) Economic value, both public and private, of the proposed land change to the general area.

In applying the above criteria to the project, EGLE finds that, on balance, the project is not in the public interest.

First, in a watershed that has experienced significant loss of wetland function and value, it is particularly important to protect remaining wetlands to protect the health of the watershed. The public has a high interest in protecting remaining wetlands that are important to the health of the watershed. The high-water levels experienced throughout Michigan over the last few years have highlighted the importance of maintaining wetlands that provide flood storage. Wetland fill diminishes flood storage services provided by the wetland to the other nearby properties and watershed, increasing the potential for flooding incidents in the future.

Second, EGLE must consider the cumulative effects of permitting similar projects in the watershed. When considering typical setbacks, most of the area where buildings may be placed on the applicant's parcels is in regulated wetland. The cumulative effects of permitting multiple similar projects on parcels where wetland impacts are unavoidable is significant degradation of watershed health and functionality.

Third, there appear to be less impactful feasible and prudent alternatives that accomplish the project purpose. These alternatives are discussed in more detail below. For all the above listed reasons, the proposed project is not in the public interest and EGLE cannot issue a permit under Part 303.

Section 30311 of Part 303 of the NREPA states that a permit for a regulated activity should not be issued if the activity will cause an unacceptable disruption to aquatic resources. To show that an unacceptable disruption will not occur, the applicant must show that the activity is dependent on being located in wetland or that a feasible and prudent alternative does not exist. Houses are not dependent on being located in wetland, so EGLE is tasked with determining whether a feasible and prudent alternative exists. EGLE assumes that a less impactful alternative is feasible and prudent unless an applicant demonstrates it is not.

EGLE believes that feasible and prudent on-site and off-site alternatives exist that would lessen or eliminate the negative effects of the project as proposed. For example, EGLE requested that the following on-site alternatives be explored:

- a) Shifting the northernmost proposed house farther north and if necessary, pursuing a variance to better utilize upland.
- b) Constructing only the southernmost proposed house and eliminating the northernmost proposed house to reduce the overall project footprint.



- c) Utilizing fences to prevent future “conversion creep” impacts to wetland not outlined on this application, which may include extended landscaping, nutrient loading from fertilizers and maintained areas, recreational uses, etc.

EGLE also requested that an analysis of off-site alternative locations suitable to achieve the basic project purpose be provided. Section 30311 of Part 303 requires that the applicant consider properties not presently owned by the applicant which could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic project purpose.

These alternatives appear feasible and prudent, and have not been adequately explored. For this reason, EGLE cannot issue a permit under Part 303.


If you choose to pursue this project in the future by incorporating any alternatives, it will be necessary to reapply for a permit by submitting a new application with all of the necessary information and application fees. Application fees are not transferable or refundable.

You have the right to appeal this denial by filing a petition for a formal administrative hearing. To preserve your right to an administrative hearing, a petition must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR) within 60 days from the date of this denial letter. The petition can be found here: <https://www.michigan.gov/egle/regulatory-assistance/forms>; search for form EQP0201. To request a hearing, submit the petition to Michigan Office of Administrative Hearings and Rules, P.O. Box 30695, Lansing, Michigan 48909; or by fax to 517-335-7535.

If you would like to discuss project alternatives and plan modifications prior to filing a Petition for Contested Case, please contact me. Our discussions may continue during the informal review process after a Petition for Contested Case is filed, but your formal appeal must be filed within the 60-day deadline.

If you have any questions regarding this matter, please contact me at 517-281-6666; WalshR2@Michigan.gov; or EGLE, WRD, Kalamazoo District Office, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025. Please include your submission number HPM-WN6W-EVDVJ, in your response.

Sincerely,



Riley Walsh  
Environmental Quality Analyst  
Kalamazoo District Office  
Water Resources Division

cc: Village of Douglas Clerk  
Allegan County Drain Commissioner  
Allegan CEA



CITY OF THE VILLAGE OF DOUGLAS

# ZONING BOARD OF APPEALS REQUEST FOR VARIANCES APPLICATION

86 W. CENTER STREET, DOUGLAS, MI 49406  
Phone: 269-857-1438 FAX: 269-857-4751

**\$500.00 Fee Required (Article 29 Zoning Board of Appeals)**

### APPLICANT INFORMATION *(If different than owner)*

Name \_\_\_\_\_ Email \_\_\_\_\_  
Address \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

### OWNER INFORMATION

Name \_\_\_\_\_ Email \_\_\_\_\_  
Address \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

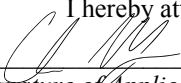
### PROPERTY INFORMATION

Address or Location \_\_\_\_\_  
Permanent Parcel # \_\_\_\_\_  
Zone District (Current) \_\_\_\_\_ (Proposed) \_\_\_\_\_  
Property Size \_\_\_\_\_ *(If Applicable)*

#### Describe Variance Request

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

  
\_\_\_\_\_  
*Signature of Applicant and Owner (If different than applicant)*

11/21/2023

\_\_\_\_\_  
*Date*

I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.

  
\_\_\_\_\_  
*Owner's Signature*

11/21/2023

\_\_\_\_\_  
*Date*

### DO NOT WRITE IN THIS BOX

Date Received \_\_\_\_\_ Application Accepted By \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_  
Submitted Materials: \_\_\_\_\_ Site Plan \_\_\_\_\_ Application \_\_\_\_\_ Legal Description \_\_\_\_\_ Narrative Description

## For Office Use Only

### REMARKS

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*Other (Where Applicable):*

*Plans sent to Saugatuck Fire District on:* \_\_\_\_\_

*Approved on:* \_\_\_\_\_

*Planning Commission Review on:* \_\_\_\_\_

*Minutes attached:* \_\_\_\_\_

*Zoning Board of Appeals Review on:* \_\_\_\_\_

*Minutes attached:* \_\_\_\_\_

Faxed to KLWSA (269-857-1565) on: \_\_\_\_\_

### ZONING APPROVAL

**APPROVED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

**DENIED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

### KLSWA APPROVAL

APPROVED FOR CONNECTION TO WATER/WASTEWATER SYSTEM

(Subject to appropriate connection fees and charges)

Street and Number \_\_\_\_\_

KALAMAZOO LAKE SEWER AND WATER AUTHORITY

**APPROVED**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**DENIED**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS  
REQUEST FOR VARIANCES  
APPLICANT SUMMARY OF FACTS**

**Adopted 6/27/05**

1. Date of application 11/21/2023
2. Name of applicant (or authorized agent) Chris Meyer
3. Address of applicant 2454 Black Horse Dr NE Grand Rapids, MI 49505
4. Telephone (Home) 5172307325 (Business) 5172671502
5. Address of property in question 314 Ferry St Douglas, MI
6. Legal description and/or property description number  
See attached document "Legal Description"
7. Present zoning and use of property R2
8. Present zoning and use of adjacent properties R2
9. State variance requested and reference Article 29 (Zoning Board of Appeals) and Sub-Section 29.05 (1) variances and 29.05 (2) rear and front setback variances of 10' and 5', respectively.
10. Attach ten (10) copies of a current property survey together with accompanying site plan delineating property lines, proposed construction/setbacks, as well as any other information that may assist the Zoning Board of Appeals.
11. Due to public notice requirements, applications must be received no less than twenty one (21) days prior to the scheduled meeting date, however the Chairman retains the right to schedule meetings based upon the adequacy of the information received.

12. I have read/reviewed the Douglas Zoning Ordinance in regard to the Zoning Board of Appeals (Article 29) and the requirements for a Variance, and hereby give the Zoning Board of Appeals permission to examine the property in question.

**In order for the Zoning Board of Appeals to grant a variance a “practical difficulty” must exist. The “practical difficulty” must not be self created, must not be economic, and must not adversely affect the neighborhood. If you are requesting a non-use variance please answer the following 5 questions in order to verify the conditions for a variance exist.**

**Question 1 – Zoning Ordinance Section 29.05 a)**

Please list the practical difficulties which prevent carrying out the strict letter of the Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

An EGLE permit is required before building on the property due to wetland soils. (see wetland delineation)

**Question 2 – Zoning Ordinance Section 29.05 b)**

Please list the genuine practical difficulty that exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

Due to the presence of wetland soils, EGLE has determined that applying for setback variances is a “feasible and prudent alternative” for reducing wetland soil impact on this property.

**Question 3 –Zoning Ordinance Section 29.05 c)**

Please verify that the practical difficulty or special conditions or circumstances that are due to no fault of your own.

Due to the area of wetland soils present, combined with the existing driveway easement, there is not enough surface area for a reasonably sized dwelling to be built on the property without setback variances.

**Question 4 – Zoning Ordinance Section 29.05 e)**

Please verify that the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood.

\_\_\_\_\_  
This variance request is in harmony with the general purpose and intent of the ordinance and will not cause adverse effects to surrounding properties.

\_\_\_\_\_  
Nor will it cause adverse effects to property values or use and enjoyment of property in the neighborhood.

**Question 5 – Zoning Ordinance Section 29.05 g)**

Please verify that the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or to mitigate the hardship.

\_\_\_\_\_  
The variance requested is the minimum amount necessary to overcome the existing inequality and hardship of the property.

Applicant's Signature \_\_\_\_\_



(please specify owner or agent)

\$500.00 Application Fee enclosed/attached \_\_\_\_\_

=====  
City of the Village of Douglas use only

Date application received \_\_\_\_\_

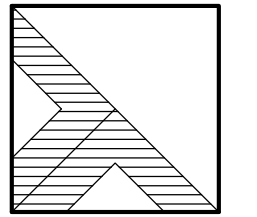
Date to be reviewed by the Zoning Board of Appeals \_\_\_\_\_

Variance: Approved \_\_\_\_\_ Denied \_\_\_\_\_ Approved with conditions as follows:

\_\_\_\_\_  
Dated \_\_\_\_\_

By \_\_\_\_\_

Clerk and/or Zoning Administrator



**DRISENGA & ASSOCIATES, INC.**

**Engineering  
Surveying  
Testing**

www.driesenga.com

Holland, MI  
616-396-0255  
Grand Rapids, MI  
616-249-3800  
Kalamazoo, MI  
269-544-1455  
Lansing, MI  
517-889-6210  
Ypsilanti, MI  
734-368-9483

**314 FERRY STREET**  
314 FERRY ST.  
SECTION 17, T03N, R16W, DOUGLAS, ALLEGAN CO.  
-FOR-  
**MIENTERTAINMENT**  
503 MALL COURT #329, LANSING, MI 48912

ISSUED FOR:

- 1 ISSUED FOR REVIEW 11-10-2022
- 2 ISSUED FOR REVIEW 11-25-2022
- 3 ISSUED FOR REVIEW 11-29-2022
- 4 ISSUED FOR REVIEW 01-31-2023
- 5 ISSUED FOR REVIEW 06-29-2023

Project Manager:  
**JOHN TENPAS**

Project #  
**2210056.1A**

Sheet Title:  
**SITE PLAN**

Sheet #

**C-100**  
4 of 8

**GENERAL NOTES:**

1. CONTRACTOR SHALL OBTAIN ALL NECESSARY LOCAL, STATE AND FEDERAL PERMITS REQUIRED.
2. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF AUTHORITIES HAVING JURISDICTION.
3. CALL "MISS DIG", 811, 72 HOURS PRIOR TO THE START OF ANY EXCAVATION.
4. EXISTING UNDERGROUND UTILITIES ARE SHOWN BASED ON AVAILABLE RECORDS AND/OR TOPOGRAPHIC SURVEY DATA. THIS PLAN MAY NOT SHOW UTILITIES IN THEIR EXACT LOCATION AND MAY NOT SHOW ALL UTILITIES IN THE AREA.
5. CONTRACTOR SHALL MAINTAIN UTILITY SERVICES AT ALL TIMES. ANY INTERRUPTION IN SERVICES TO THIS SITE OR ADJACENT SITES MUST BE SCHEDULED WITH THE OWNER, UTILITY PROVIDER, AND AFFECTED PROPERTIES 48 HOURS PRIOR TO THE INTERRUPTION.
6. CONTRACTOR SHALL PROTECT ALL EXISTING AND NEW CONSTRUCTION FROM DAMAGE. SHOULD ANY DAMAGE OCCUR, CONTRACTOR SHALL MAKE ALL NECESSARY REPAIRS AT NO COST TO THE OWNER.
7. IF ANY DISCREPANCIES OR CONFLICTS ARE FOUND, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY PRIOR TO CONSTRUCTION OF AFFECTED WORK TO DETERMINE COURSE OF ACTION.
8. CONTRACTOR SHALL COORDINATE THEIR WORK WITH OTHER CONTRACTORS ON OR ADJACENT TO THE PROJECT SITE.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING AND COORDINATING THEIR WORK WITH ALL UTILITY PROVIDERS PRIOR TO CONSTRUCTION.
10. PROVIDE BARRIERS OR OTHER PROTECTION TO KEEP VEHICULAR AND PEDESTRIAN TRAFFIC AWAY FROM CONSTRUCTION AREA AND OFF NEWLY PAVED AREAS.

**LAYOUT NOTES:**

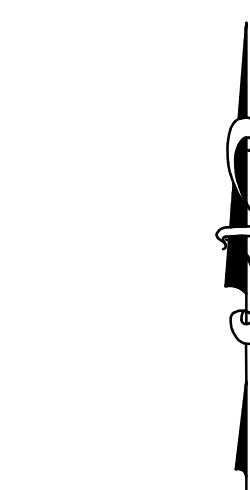
1. CONTRACTOR SHALL REVIEW AND VERIFY SITE LAYOUT PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL ENGAGE A LICENSED SURVEYOR TO PERFORM ALL CONSTRUCTION LAYOUT AND STAKING AS NECESSARY.
3. ALL COORDINATE POINTS AND DIMENSIONS GIVEN, UNLESS OTHERWISE NOTED, ARE TO BACK OF CURB AND FACE OF BUILDING WALL.
4. REFER TO ARCHITECTURAL AND STRUCTURAL DRAWINGS FOR BUILDING DIMENSIONS.
5. INSTALL EXPANSION JOINTS AT ALL LOCATIONS WHERE NEW CONCRETE MEETS EXISTING CONCRETE OR BITUMINOUS PAVEMENT.

**KEY NOTES:**

- Ⓐ 4" CONC. SIDEWALK (SEE DETAIL)
- Ⓑ 4" CONC. PAVEMENT SECTION

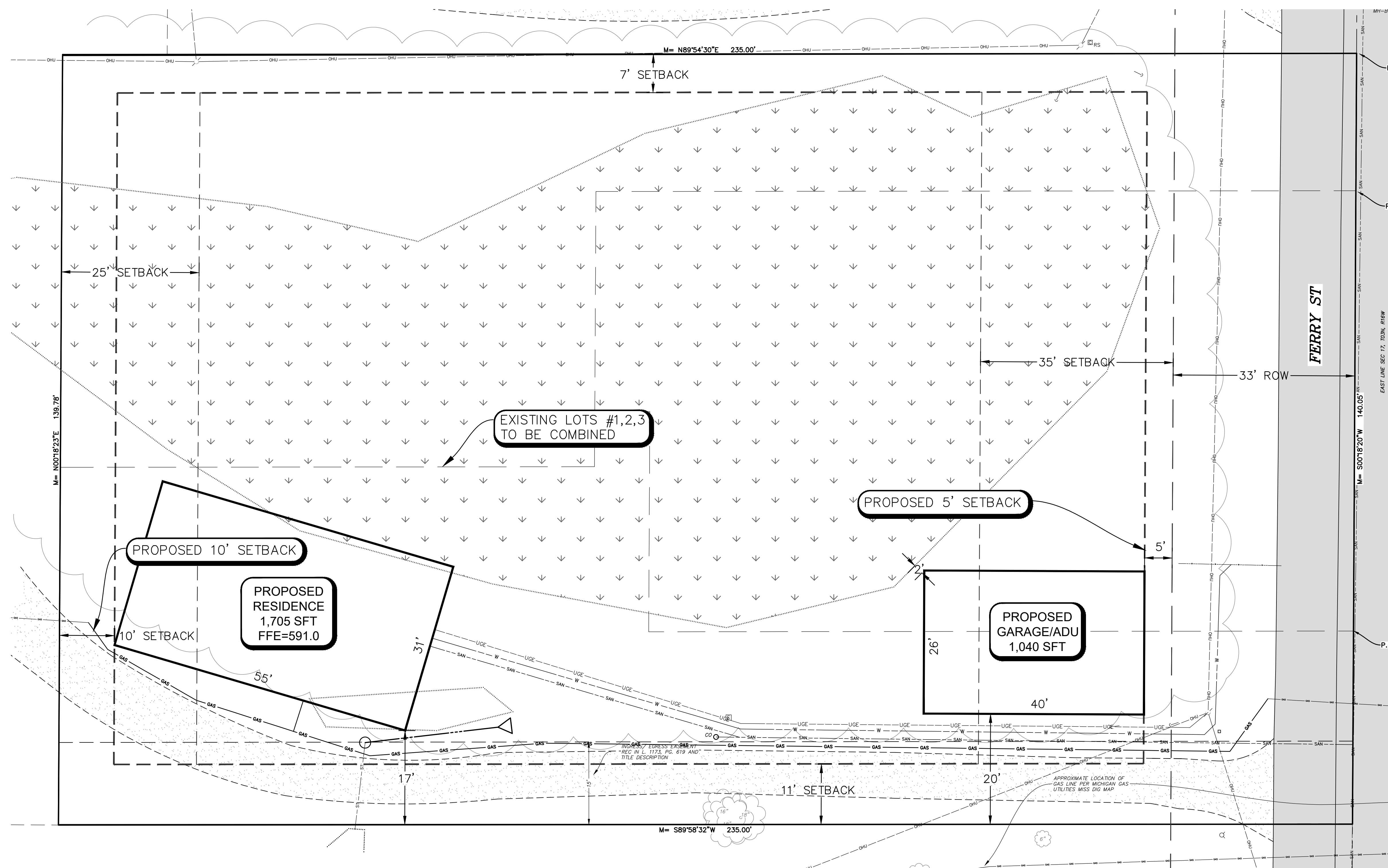
**LEGEND**

- BENCHMARK
- STORM SEWER MANHOLE
- CATCH BASIN
- FLARED END SECTION
- SANITARY SEWER MANHOLE
- CLEANOUT
- WELL HEAD
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- SPRINKLER CONTROL VALVE
- SPRINKLER HEAD
- VALVE (WATER & GAS)
- GAS METER
- UTILITY RISERS
- UTILITY POLE
- LIGHT POLE
- GUY ANCHOR
- TRANSFORMER
- HAND HOLE (ELECTRIC)
- ELECTRIC METER
- GROUND MOUNTED LIGHT
- SIGN
- SOIL BORING
- BOLLARD POST
- POST
- GATE
- FENCE LINE
- OVERHEAD UTILITIES
- UNDERGROUND ELECTRIC
- COMMUNICATIONS
- TELEPHONE
- FIBER OPTIC
- GAS LINE
- EXISTING WATER LINE
- PROPOSED WATER LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- BITUMINOUS SURFACE
- EXISTING CONCRETE SURFACE
- GRAVEL SURFACE
- PROPOSED BITUMINOUS SURFACE
- PROPOSED CONCRETE SURFACE
- CONIFEROUS TREE
- DECIDUOUS TREE
- ORNAMENTAL BUSH



0' 5' 10' 20'  
SCALE: 1"=10'

**ISSUED FOR APPROVAL**



**PROJECT SUMMARY**

1. **PARCEL INFORMATION**  
CURRENT ZONING: R-2 RESIDENTIAL  
SITE ADDRESS: 314, 316, 318 FERRY ST.  
PARCEL NUMBERS: 59-017-004-00, 59-017-004-20, 59-017-004-030  
  
REQUIRED PROVIDED  
MIN. LAND AREA: 7,920 SFT 32,905 SFT  
MIN. LOT WIDTH: 75 FT 75 FT
2. **BUILDING**  
  
REQUIRED PROVIDED  
MAX. BUILDING HEIGHT: 28 FT 28 FT  
MAX. BUILDING SIZE: N/A 2,745 SFT  
MAX. LOT COVERAGE: 35% 8%
3. **SETBACKS**  
  
REQUIRED PROVIDED  
FRONT (MIN.) 35 FT 1 FT  
SIDE (MIN.) 7 FT 18 FT  
REAR (MIN.) 25 FT 10 FT
4. **REGULATORY APPROVALS**  
THE PROJECT WILL REQUIRE THE FOLLOWING APPROVALS, AT A MINIMUM (OTHER PERMITS/APPROVAL MAY ALSO BE REQUIRED)  
  - CITY OF THE VILLAGE OF DOUGLAS SITE PLAN
  - CITY OF THE VILLAGE OF DOUGLAS FIRE DEPARTMENT
  - ALLEGAN COUNTY DRAIN COMMISSIONER STORM WATER MANAGEMENT
  - ALLEGAN COUNTY SOIL EROSION & SEDIMENTATION CONTROL PERMIT
  - ALLEGAN COUNTY ROAD COMMISSION ROW/DRIVEWAY
  - MDEQ NPDES CONSTRUCTION SITE STORM WATER DISCHARGE

- MDEQ PUBLIC WATER SYSTEM PERMIT
  - MDEQ PUBLIC WASTEWATER SYSTEM PERMIT
  - MDEQ WETLAND PERMIT
  - MDEQ FLOODPLAIN PERMIT
  - FEDERAL AVIATION ADMINISTRATION
5. **IMPACT ON PUBLIC SERVICES**  
PROJECT WILL NOT RESULT IN ADVERSE IMPACT TO PUBLIC SERVICES, INCLUDING POLICE & FIRE PROTECTION, UTILITIES, TRAFFIC OR ROADWAYS.
  6. **IMPACT TO SURROUNDING PROPERTIES**  
USE OF PROPERTY WILL BE CONSISTENT WITH OTHER USES IN THIS ZONING DISTRICT AND IN THE SURROUNDING AREA. USE OF PROPERTY WILL NOT GENERATE ADVERSE LEVELS OF NOISE, VIBRATION, SMOKE, LIGHT, GLARE, OR OTHER PROBLEMATIC CONDITIONS.
  7. **STORM WATER MANAGEMENT**  
STORM WATER WILL BE COLLECTED IN AN EXISTING WETLAND ON-SITE. THE EXISTING WETLAND WILL OVERFLOW INTO A SERIES OF CATCHBASINS, PIPES, AND DITCHES.
  8. **WATER/SEWER SERVICE**  
SITE WILL BE SERVED BY NEW PRIVATE WATER AND SEWER CONNECTIONS CONNECTED TO EXISTING PUBLIC UTILITIES ADJACENT TO THE SITE.
  9. **WETLANDS**  
THERE ARE KNOWN REGULATED WETLANDS ON THE SUBJECT PROPERTY.
  10. **FLOODPLAINS**  
THERE ARE NO PUBLISHED REGULATORY FLOODPLAINS ON THE SUBJECT PROPERTY, PER FIRM PANEL: 2600500164G, EFFECTIVE DATE JUNE 21, 2023. A FLOODPLAIN DETERMINATION WAS COMPLETED BY EGLE WITH A 1% ANNUAL CHANCE FLOOD ELEVATION OF 586.0 (NAVD88), FLOODPLAIN SERVICE NO. HPF-NE0H-N86FE

11. **REFUSE MANAGEMENT**  
REFUSE WILL BE MAINTAINED BY THE HOMEOWNER.
12. **CONSTRUCTION SCHEDULE**  
CONSTRUCTION IS ANTICIPATED TO START IN 2023 AND BE COMPLETED IN 2024.



Know what's below.  
Call before you dig.

File Name: C:\Users\jbrunson\OneDrive\Projects\2022\2210056.1A\Draw\2210056.1A - SITE\_13.mxd.dwg  
Last Saved: 11/27/2023 4:12:01 PM

# MICHIGAN PLAT OF SURVEY

SEE SHEET 2 FOR DESCRIPTIONS

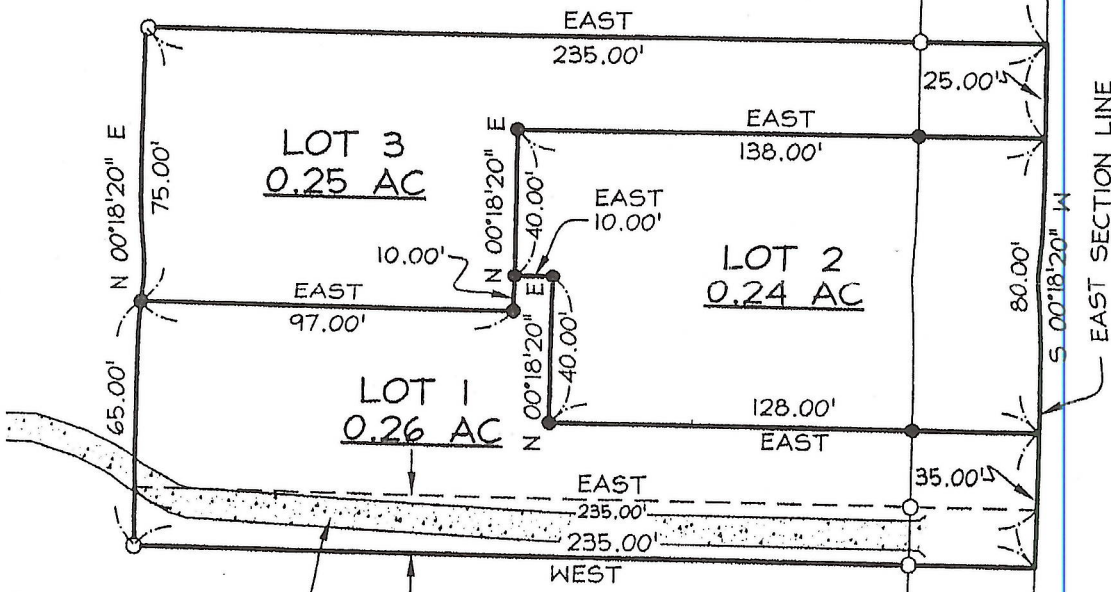


NE CORNER  
SECTION 17  
T. 3 N., R. 16 W.  
SAUGATUCK TWP.  
(FD. 1" IRON)  
26" OAK -SE- 14.6'  
12" OAK -SE- 36.5'  
28" OAK -SE- 46.8'  
FIRE HYDRANT -SW- 45.8'

STREET

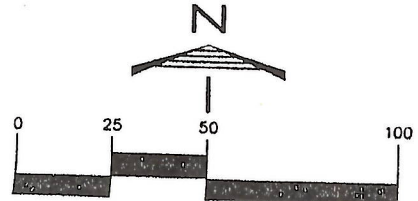
(66' R.O.W.)

68TH



EXISTING DRIVE USED BY OTHERS

15' EASEMENT FOR INGRESS & EGRESS



E. 1/4 POST  
SECTION 17  
T. 3 N., R. 16 W.  
SAUGATUCK TWP.  
(FD. REBAR)  
POWER POLE -SE- 79.8'  
T.C.E. -SW- 65.40'  
NE COR. SIGN -SW- 67.25'

- NOTES:  
1) BEARINGS ARE REFERENCED TO PREVIOUSLY SURVEYED PARCELS IN THIS AREA.  
2) LINEAR ERROR OF CLOSURE IS LESS THAN OR EQUAL TO 0.15'.

Scale 1"=50' Book 273 Page 31 Revision

The above Survey complies with Public Act 132 of 1970.  
Act 288 of Michigan Public Acts of 1967 as amended by Public Act 591 of 1996  
should be checked to see that any property conveyance does not violate this act.

**LEGEND**  
Iron Found ○ Iron Set ●  
Monument Found ⊙  
P = Platted D = Deeded M = Measured

## MITCHELL SURVEYS, INC.

404 Broadway  
South Haven, Michigan 49090  
Phone (616) 637-1107  
Fax (616) 637-1907

Client G.T. HARDWICK ARCHITECTS  
Date 3-28-01 Job No. 01-214 Sheet 1 of 2  
Dwg. By KOF Dwg. Ck BM Desc. By LT Desc. Ck LT  
Being in the SE 1/4 Section 17, T 3 N, R 16 W  
SAUGATUCK Twp. ALLEGAN Co., Michigan



**Surveyor's Certificate:**

On the basis of my knowledge and belief, I, George J. Mitchell, Professional Surveyor, certify that I have completed a boundary survey and examination of the parcel of land described below, made on the ground to the normal standard of care of professional land surveyors practicing in Michigan. This survey was performed in accordance with a description furnished by others and should be compared to the abstract of title or title insurance policy for accuracy, easements, or exceptions. This survey was prepared for **G.T. Hardwick Architects** and does not extend to any unnamed person without expressed re-certification by the surveyor naming said person.

4/11/01  
Date

George J. Mitchell  
George J. Mitchell, President  
Mitchell Surveys, Inc.  
Professional Surveyor 19618

**Surveyed Descriptions:**

**Lot 1**

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 484.50 FEET SOUTH 00° 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00° 18' 20" WEST ON THE SECTION LINE, 35.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 235.00 FEET; THENCE NORTH 00° 18' 20" EAST 65.00 FEET; THENCE EAST 97.00 FEET; THENCE NORTH 00° 18' 20" EAST 10.00 FEET; THENCE EAST 10.00 FEET; THENCE SOUTH 00° 18' 20" WEST 40.00 FEET; THENCE EAST 128.00 FEET TO THE PLACE OF BEGINNING. **SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER A 15 FOOT STRIP BEING DESCRIBED AS FOLLOWS:** COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST; THENCE SOUTH 00° 18' 20" WEST ALONG THE EAST LINE OF SAID SECTION 504.50 FEET TO THE PLACE OF BEGINNING OF THIS EASEMENT; THENCE CONTINUING SOUTH 00° 18' 20" WEST ALONG THE EAST SECTION LINE 15 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 235.00 FEET; THENCE NORTH 00° 18' 20" EAST 15 FEET; THENCE EAST 235.00 FEET TO THE EAST SECTION LINE AND THE PLACE OF BEGINNING.

**Lot 2**

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 404.50 FEET SOUTH 00° 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00° 18' 20" WEST ON THE SECTION LINE, 80.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 128.00 FEET; THENCE NORTH 00° 18' 20" EAST 40.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00° 18' 20" EAST 40.00 FEET; THENCE EAST 138.00 FEET TO THE PLACE OF BEGINNING.

**Lot 3**

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 379.50 FEET SOUTH 00° 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00° 18' 20" WEST ON THE SECTION LINE, 25.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 138.00 FEET; THENCE SOUTH 00° 18' 20" WEST 50.00 FEET; THENCE WEST 97.00 FEET; THENCE NORTH 00° 18' 20" EAST 75.00 FEET; THENCE EAST 235.00 FEET TO THE PLACE OF BEGINNING.

**MITCHELL SURVEYS, INC.**  
404 Broadway  
South Haven, Michigan 49090  
Phone ( 616 ) 637 - 1107  
Fax ( 616 ) 637 - 1907

Client G.T. HARDWICK  
Date 3-28-01 Job No. 01-214 Sheet 2 of 2  
Dwg. By KOF Dwg. Ck. \_\_\_\_\_ Desc. By \_\_\_\_\_ Desc. Ck. \_\_\_\_\_  
Being in the SE 1/4 Section 17, T 3 N, R 16 W  
SAUGATUCK Twp. ALLEGAN Co., Michigan

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 0359-017-004-00, 0359-017-004-20 and 0359-017-004-30**

---

Land Situated in the State of Michigan, County of Allegan, City of Douglas

BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 484.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 35.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 65.00 FEET; THENCE EAST 97.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 10.00 FEET; THENCE EAST 10.00 FEET; THENCE SOUTH 00 DEGREES 18' 20" WEST 40.00 FEET; THENCE EAST 128.00 FEET TO THE PLACE OF BEGINNING.

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SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER A 15 FOOT STRIP BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST; THENCE SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST LINE OF SAID SECTION 504.50 FEET TO THE PLACE OF BEGINNING OF THIS EASEMENT; THENCE CONTINUING SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST SECTION LINE 15 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 15 FEET; THENCE EAST 235.00 FEET TO THE EAST SECTION LINE AND THE PLACE OF BEGINNING.

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November 1, 2022

Mr. Chris Meyer  
2454 Black Horse Drive NE  
Grand Rapids, MI, 49505

**Re: Wetland Delineation Report – Beach Elementary**

Dear Mr. Meyer:

As requested, Barr Engineering Co. (Barr) conducted a wetland delineation at the above-referenced site. The purpose of this wetland delineation report is to summarize the results of the wetland delineation conducted on April 6, 2022.

## **1.0 Area of Investigation Description**

The Area of Investigation (AOI) includes three, small contiguous parcels at 314, 316 and 318 Ferry Street, in the City of the Village of Douglas, Allegan County, Michigan. Surrounding land uses and cover types include forested, residential properties. The dominant land uses and cover types within the AOI consists of standing water and emergent wetland.

## **1.1 Desktop Review**

Barr conducted a desktop review to evaluate aerial imagery, topography, soil types, and mapped wetlands within the AOI prior to the wetland delineation. As part of the desktop review, Barr staff reviewed resources such as the Natural Resources Conservation Service (NRCS) Web Soil Survey, the National Wetlands Inventory and aerial photography.

## **1.2 Methodology**

The wetland delineation was conducted in a manner consistent with the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0, USACE 2012)*. The wetland delineation procedures outlined in these manuals require the evaluation of on-site vegetation, soils, and hydrologic characteristics. Site observations are described in the sections below.

The wetland boundaries were flagged in the field with alphanumerically labeled pink pin flags and/or pink flagging tape.

## **1.3 Results**

The AOI includes emergent (PEM) and unconsolidated bottom (UB) habitats on this undeveloped property. The attached survey depicts the location of the wetland areas encountered on site and the attached U.S. Army Corps of Engineers (USACE) wetland data forms provide additional wetland detail.

## Vegetation, Soil, and Hydrology

### Wetland A

This PEM/UB wetland is located over a majority of the AOI as identified by flags A1 – 16. A smaller wetland pocket is identified by flags A17 - A21. The vegetation identified within Wetland A includes species such as button bush, fowl manna grass and moneywort. Primary and secondary hydrology indicators were identified within the wetland. The soils are described in the WSS as Houghton muck and other loamy soils. The soil pit indicated poorly drained sandy soils in the AOI.

In contrast, the adjacent upland areas included species such as sassafras, honeysuckle, multiflora rose, Oriental bittersweet and Kentucky blue grass with no observed evidence of wetland hydrology or soils.

## 1.4 Conclusions

Based on observations of topography, vegetation, soil, and indicators of hydrology, Barr has determined that wetland habitat is present within the AOI. According to Part 303, Wetlands Protection, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, wetlands regulated by the State of Michigan include wetlands that are:

1. Located within 500 feet of, or having a direct surface water connection to, an inland lake, pond, river, or stream; or
2. Greater than 5 acres in size; or
3. Located within 1,000 feet of, or having a direct surface water connection to, the Great Lakes or Lake St. Clair; or
4. A water of the United States as that term is used in section 502(7) of the Federal Water Pollution Control Act, 33 USC 1362; or
5. Known to have a documented presence of an endangered or threatened species under Part 365 of State of Michigan 1994 PA 451, as amended or the Federal Endangered Species Act of 1973, Public Law 93-205; or
6. Rare or imperiled.

Wetland A appears to be regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) under Part 303, Wetlands Protection, of the Natural Resources Protection Act (1994 PA451), as it is contiguous to Kalamazoo Lake. Therefore, a Part 303 permit would be required from EGLE to place fill, remove soil, drain surface water from, or make use of this wetland.

Please be advised that EGLE and in some coastal cases USACE have regulatory authority regarding the wetland boundary location(s) and jurisdictional status of wetlands in the State of Michigan. Barr's wetland determination was performed in general accordance with accepted procedures for conducting wetland determinations. Barr provides no warranty, guarantee, or other agreement in respect to the period of time for which this wetland determination will remain valid. Barr's conclusions reflect our professional opinion based on the site conditions within the AOI observed during the site visits. Discrepancies may arise between current and future wetland determinations and delineations due to changes in vegetation and/or hydrology as the result of land use practices or other environmental factors, whether on-site or on adjacent or nearby properties. In addition, wetland delineations performed outside the growing season, from late-October until late-April, may differ from those performed at the same site during the growing season due to the presence of snow cover or frozen ground conditions. We recommend our wetland boundary determination and jurisdictional opinion be reviewed by EGLE prior to undertaking any activity within any identified wetlands.

Thank you for the opportunity to provide this wetland delineation. If you have any questions, please contact me at your convenience at 616.540-8544 or [jvigna@barr.com](mailto:jvigna@barr.com).

Sincerely,

BARR ENGINEERING CO.



John R. Vigna  
Senior Environmental Scientist

cc: Jim Giese (Driesenga & Associates)

## References

U.S. Army Corps of Engineers (USACE). 1987. *Corps of Engineers Wetlands Delineation Manual*. Washington, DC.

USACE. 2012. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*. Washington, DC.

### Figures:

Topographic/Wetland Boundary Survey

### Attachments:

USACE Wetland Determination Data Forms

**TOPOGRAPHIC / BOUNDARY SURVEY**

**SCHEDULE "A" LEGAL DESCRIPTION**  
**FROM: CHICAGO TITLE OF MICHIGAN, INC**  
**COMMITMENT NO.: 031171908WTA (EFFECTIVE DATE: MARCH 08, 2022)**

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF ALLEGAN, CITY OF DOUGLAS

**314 FERRY ST**  
 BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 484.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 35.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 65.00 FEET; THENCE EAST 97.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 10.00 FEET; THENCE EAST 10.00 FEET; THENCE SOUTH 00 DEGREES 18' 20" WEST 40.00 FEET; THENCE EAST 128.00 FEET TO THE PLACE OF BEGINNING.

**316 FERRY ST**  
 BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 404.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 30.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 128.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 40.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 40.00 FEET; THENCE EAST 138.00 FEET TO THE PLACE OF BEGINNING.

**318 FERRY ST**  
 BEGINNING ON THE EAST LINE OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST AT A POINT 379.50 FEET SOUTH 00 DEGREES 18' 20" WEST OF THE NORTHEAST CORNER OF THE SECTION; THENCE CONTINUE SOUTH 00 DEGREES 18' 20" WEST ON THE SECTION LINE, 25.00 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE, 138.00 FEET; THENCE SOUTH 00 DEGREES 18' 20" WEST 50.00 FEET; THENCE WEST 97.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 75.00 FEET; THENCE EAST 235.00 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER A 15 FOOT STRIP BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWN 3 NORTH, RANGE 16 WEST; THENCE SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST LINE OF SAID SECTION 504.50 FEET TO THE PLACE OF BEGINNING OF THIS EASEMENT; THENCE CONTINUING SOUTH 00 DEGREES 18' 20" WEST ALONG THE EAST SECTION LINE 15 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 235.00 FEET; THENCE NORTH 00 DEGREES 18' 20" EAST 15 FEET; THENCE EAST 235.00 FEET TO THE EAST SECTION LINE AND THE PLACE OF BEGINNING.

**SCHEDULE B-II EXCEPTIONS**  
**FROM: CHICAGO TITLE OF MICHIGAN, INC**  
**COMMITMENT NO.: 031171908WTA (EFFECTIVE DATE: MARCH 08, 2022)**

9 TERMS, COVENANTS, AND CONDITIONS OF EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN LIBER 1173 ON PAGE 619. (SHOWN ON DRAWING)

**BENCHMARK DATA**

NAVD '88 AS DERIVED FROM GPS OBSERVATIONS UTILIZING VRS CONUS 18

- BM #1 EL= 589.75' (NAVD 88)  
 SET 7" COMMON SPIKE IN NORTH FACE OF UTILITY POLE, LOCATED 24' WEST OF THE CENTERLINE OF FERRY STREET AND 500'± SOUTH OF THE CENTERLINE OF CAMPBELL ROAD.
- BM #2 EL= 591.59' (NAVD 88)  
 SET 7" COMMON SPIKE IN EAST FACE OF UTILITY POLE, LOCATED 22'± WEST OF THE CENTERLINE OF FERRY STREET AND 325'± SOUTH OF THE CENTERLINE OF CAMPBELL ROAD.
- BM #3 EL= 586.22' (NAVD 88)  
 SET 7" COMMON SPIKE IN SOUTH FACE OF UTILITY POLE, LOCATED 208'± WEST OF THE CENTERLINE OF FERRY STREET AND 380'± SOUTH OF THE CENTERLINE OF CAMPBELL ROAD.

**SURVEYOR'S NOTES**

- UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL FIELD MEASUREMENTS AND AVAILABLE RECORDS. THIS MAP IS NOT TO BE INTERPRETED AS SHOWING EXACT LOCATIONS OR SHOWING ALL UTILITIES IN THE AREA.
- NOTE TO CONTRACTORS: THREE WORKING DAYS BEFORE YOU DIG - CALL MISS DIG AT 811.
- CONTOUR INTERVAL = 1 FOOT.
- THE FIELD WORK WAS COMPLETED ON APRIL 11, 2022.
- BASIS OF BEARING FROM MITCHELL SURVEYS, INC JOB NO.: 01-214, DATED 03-28-2001 & TITLE DESCRIPTION (S00°18'20" W ON EAST LINE, SECTION 17, T03N, R16W).
- THIS PROPERTY IS PARTIALLY LOCATION IN ZONE "A" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 26005C0164F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 30, 2019. ZONE "A" AREAS DETERMINED TO BE NO BASE FLOOD ELEVATIONS DETERMINED, FLOODPLAIN DETERMINATION PROVIDED BY EGLE SERVICE NO.: HFF-NE0H-N96F, DATED FEBRUARY 25, 2022. (100 YEAR FLOODPLAIN=586.0 NAVD 88)
- WETLAND FLAGGING BY BARR ENGINEERING FLAGGED ON APRIL 06, 2022.

**SANITARY STRUCTURE DATA**

MH-A - 4' Ø CONCRETE  
 RIM 590.58  
 INV (N) 18" STEEL=573.93  
 INV (S) 18" STEEL=?  
 INV (E) 8" PVC=574.23

MH-B - 4' Ø CONCRETE  
 RIM 589.60  
 INV (N) 18" STEEL=573.95  
 INV (S) 18" STEEL=573.95  
 INV (W) 8" PVC=575.60

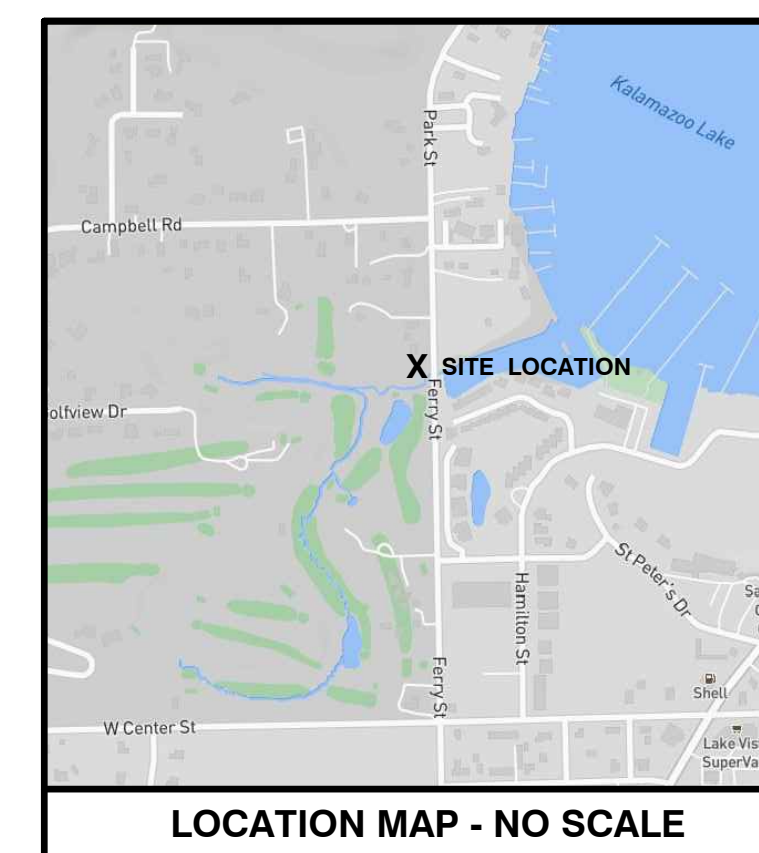
MH-C - 4' Ø CONCRETE  
 RIM 585.75  
 INV (N) 18" STEEL=574.35  
 INV (SSW) 18" STEEL=574.35

**SURVEY CONTROL**

POINT NUMBER	NORTHING (ASSUMED)	EASTING (ASSUMED)	ELEVATION (NAVD 88)
50	9692.4420'	10012.1400'	590.04'
51	9490.2040'	10009.5740'	587.80'

**MISS DIG INFORMATION**

MISS DIG SURVEY TICKET # 2022051102938-00  
 (INCLUDES INFORMATION RECEIVED THROUGH 05/19/2022)  
 - MICHIGAN GAS UTILITIES - 05/11/2022 (MAPS PROVIDED)



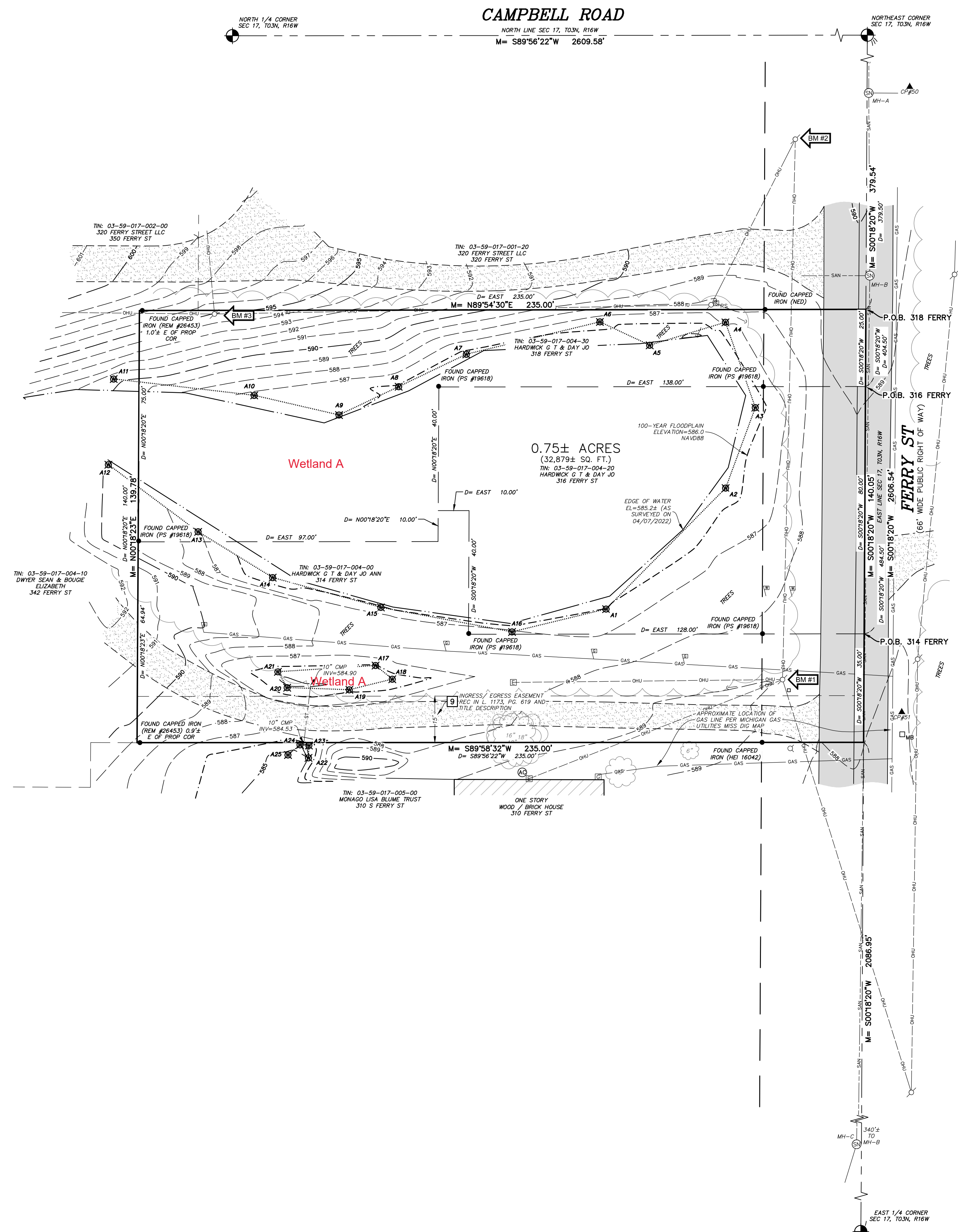
LOCATION MAP - NO SCALE



0' 10' 20' 40'  
 SCALE: 1"=20'

**LEGEND**

- BENCHMARK
- FOUND IRON
- CONTROL POINT
- DESCRIBED
- MEASURED
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- GAS METER
- UTILITY RISERS
- UTILITY POLE
- ELECTRIC METER
- GUY ANCHOR
- POST
- WETLAND FLAG
- OVERHEAD UTILITIES
- UNDERGROUND ELECTRIC
- COMMUNICATIONS
- TELEPHONE
- FIBER OPTIC
- GAS LINE
- EXISTING WATER LINE
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- DECIDUOUS TREE



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**314, 316 & 318 FERRY ST**  
 314 FERRY ST  
 SECTION 17, T03N, R16W, DOUGLAS TWP., ALLEGAN CO.  
**MENTERTAINMENT GROUP**  
 503 MALL CT #329 LANSING, MI 48912

**REVISIONS**

1	
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Drawn By: **MJD**  
 Scale: 1"=20'  
 Date: 05-11-2022  
 Project #: 2210056.5A  
 Sheet Title: **TOPOGRAPHIC / BOUNDARY SURVEY**  
 Sheet #: **V-101**  
 1 of 1

Tax Parcel No.: 03-59-017-004-00, 03-59-017-004-20, 03-59-017-004-30

**STATE OF MICHIGAN**  
 MARC ELWOOD LOHELA II  
 PROFESSIONAL SURVEYOR  
 NO. 4001062695

Marc Elwood Lohele II P.S. No. 4001062695

THE DESCRIPTION WAS GIVEN TO US BY THE PERSON CERTIFIED TO, OR WAS PREPARED BY US FROM INFORMATION OR DOCUMENTS GIVEN TO US BY THE PERSON CERTIFIED TO, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS.

File Name: C:\Users\jvictoria\OneDrive\Documents (GMA)\Virtual\Projects\2022\2210056.5A\New\2210056-5A\Topo.dwg  
 User: jvictoria  
 Date: 5/19/2022  
 Time: 2:36:18 PM



## Attachments



## WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Ferry Street Parcels City/County: Alleghan/Douglas Sampling Date: 4/6/2022  
 Applicant/Owner: Chris Meyer State: MI Sampling Point: A wet  
 Investigator(s): R.L. Phillips Section, Township, Range: S16 T3N R16W  
 Landform (hillside, terrace, etc.): hillside/roadfill Local relief (concave, convex, none): convex Slope %: 8-10  
 Subregion (LRR or MLRA): LRR L Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Filer Loam, 18 to 35 percent slopes NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	<b>Is the Sampled Area within a Wetland?</b> Yes _____ No <u>X</u> If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Near Flag A14.	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) _____ <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
---	--

<b>Field Observations:</b> Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes _____ No <u>X</u>
--	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION** – Use scientific names of plants.

Sampling Point:     A wet    

	Absolute % Cover	Dominant Species?	Indicator Status																	
<b>Tree Stratum</b> (Plot size: <u>    30'    </u> )																				
1. <u>    <i>Sassafras albidum</i>    </u>	<u>    5    </u>	<u>    Yes    </u>	<u>    FACU    </u>	<b>Dominance Test worksheet:</b>  Number of Dominant Species That Are OBL, FACW, or FAC: <u>    0    </u> (A)  Total Number of Dominant Species Across All Strata: <u>    5    </u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>    0.0%    </u> (A/B)																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
	<u>    5    </u> =Total Cover			<b>Prevalence Index worksheet:</b>  <table style="width:100%; border:none;"> <tr> <td style="width:50%; text-align:center;">Total % Cover of:</td> <td style="width:50%; text-align:center;">Multiply by:</td> </tr> <tr> <td>OBL species <u>    0    </u></td> <td>x 1 = <u>    0    </u></td> </tr> <tr> <td>FACW species <u>    5    </u></td> <td>x 2 = <u>    10    </u></td> </tr> <tr> <td>FAC species <u>    0    </u></td> <td>x 3 = <u>    0    </u></td> </tr> <tr> <td>FACU species <u>    90    </u></td> <td>x 4 = <u>    360    </u></td> </tr> <tr> <td>UPL species <u>    40    </u></td> <td>x 5 = <u>    200    </u></td> </tr> <tr> <td>Column Totals: <u>    135    </u> (A)</td> <td><u>    570    </u> (B)</td> </tr> <tr> <td colspan="2" style="text-align:center;">Prevalence Index = B/A = <u>    4.22    </u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>    0    </u>	x 1 = <u>    0    </u>	FACW species <u>    5    </u>	x 2 = <u>    10    </u>	FAC species <u>    0    </u>	x 3 = <u>    0    </u>	FACU species <u>    90    </u>	x 4 = <u>    360    </u>	UPL species <u>    40    </u>	x 5 = <u>    200    </u>	Column Totals: <u>    135    </u> (A)	<u>    570    </u> (B)	Prevalence Index = B/A = <u>    4.22    </u>	
Total % Cover of:	Multiply by:																			
OBL species <u>    0    </u>	x 1 = <u>    0    </u>																			
FACW species <u>    5    </u>	x 2 = <u>    10    </u>																			
FAC species <u>    0    </u>	x 3 = <u>    0    </u>																			
FACU species <u>    90    </u>	x 4 = <u>    360    </u>																			
UPL species <u>    40    </u>	x 5 = <u>    200    </u>																			
Column Totals: <u>    135    </u> (A)	<u>    570    </u> (B)																			
Prevalence Index = B/A = <u>    4.22    </u>																				
<b>Sapling/Shrub Stratum</b> (Plot size: <u>    15'    </u> )																				
1. <u>    <i>Lonicera morrowii</i>    </u>	<u>    45    </u>	<u>    Yes    </u>	<u>    FACU    </u>	<b>Hydrophytic Vegetation Indicators:</b>  <u>    1    </u> - Rapid Test for Hydrophytic Vegetation <u>    2    </u> - Dominance Test is >50% <u>    3    </u> - Prevalence Index is ≤3.0 <sup>1</sup> <u>    4    </u> - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  <u>    </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)																
2. <u>    <i>Rosa multiflora</i>    </u>	<u>    10    </u>	<u>    No    </u>	<u>    FACU    </u>																	
3. <u>    <i>Berberis vulgaris</i>    </u>	<u>    5    </u>	<u>    No    </u>	<u>    FACU    </u>																	
4. <u>    <i>Fraxinus pennsylvanica</i>    </u>	<u>    5    </u>	<u>    No    </u>	<u>    FACW    </u>																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
	<u>    65    </u> =Total Cover			<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.  <b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.																
<b>Herb Stratum</b> (Plot size: <u>    5'    </u> )																				
1. <u>    <i>Celastrus orbiculatus</i>    </u>	<u>    25    </u>	<u>    Yes    </u>	<u>    UPL    </u>		<b>Hydrophytic Vegetation Present?</b> Yes <u>    </u> No <u>    X    </u>															
2. <u>    <i>Poa pratensis</i>    </u>	<u>    20    </u>	<u>    Yes    </u>	<u>    FACU    </u>																	
3. <u>    <i>Vinca minor</i>    </u>	<u>    10    </u>	<u>    No    </u>	<u>    UPL    </u>																	
4. <u>    <i>Allium canadense</i>    </u>	<u>    5    </u>	<u>    No    </u>	<u>    FACU    </u>																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
	<u>    60    </u> =Total Cover																			
<b>Woody Vine Stratum</b> (Plot size: <u>    30'    </u> )																				
1. <u>    <i>Celastrus orbiculatus</i>    </u>	<u>    5    </u>	<u>    Yes    </u>	<u>    UPL    </u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
	<u>    5    </u> =Total Cover																			
Remarks: (Include photo numbers here or on a separate sheet.)																				

**SOIL**

Sampling Point:            A wet

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-1	10YR 2/2	100					Sandy	
1-5	10YR 3/3	100					Sandy	
5-12	10YR 4/6	100					Sandy	gravelly sand

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<b>Hydric Soil Indicators:</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B)	<input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)	<input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> High Chroma Sands (S11) (LRR K, L)	<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)	<input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B)
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Marl (F10) (LRR K, L)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Stripped Matrix (S6)		<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Dark Surface (S7)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if observed):</b>	<b>Hydric Soil Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Type: _____ Depth (inches): _____	

Remarks:  
This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. ([http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_051293.docx](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx))

## WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Ferry Street Parcels City/County: Alleghan/Douglas Sampling Date: 4/6/2022  
 Applicant/Owner: Chris Meyer State: MI Sampling Point: A wet  
 Investigator(s): R.L. Phillips Section, Township, Range: S16 T3N R16W  
 Landform (hillside, terrace, etc.): depression Local relief (concave, convex, none): concave Slope %: 0-3  
 Subregion (LRR or MLRA): LRR L Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Filer Loam, 18 to 35 percent slopes NWI classification: none [PEM/PSS obs.]

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes <u>X</u> No _____ Wetland Hydrology Present? Yes <u>X</u> No _____	<b>Is the Sampled Area within a Wetland?</b> Yes <u>X</u> No _____ If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Near Flag A14.	

### HYDROLOGY

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) _____ <input checked="" type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input checked="" type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <u>X</u> No _____ Depth (inches): <u>0.25</u> Water Table Present? Yes _____ No _____ Depth (inches): _____ Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <u>X</u> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

**VEGETATION – Use scientific names of plants.**

Sampling Point:     A wet    

Tree Stratum (Plot size: <u>    30'    </u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC:     3     (A)

Total Number of Dominant Species Across All Strata:     4     (B)

Percent of Dominant Species That Are OBL, FACW, or FAC:     75.0%     (A/B)

Sapling/Shrub Stratum (Plot size: <u>    15'    </u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Cephalanthus occidentalis</u>	<u>    15    </u>	<u>    Yes    </u>	<u>    OBL    </u>
2. <u>Fraxinus pennsylvanica</u>	<u>    5    </u>	<u>    Yes    </u>	<u>    FACW    </u>
3. <u>Lonicera morrowii</u>	<u>    5    </u>	<u>    Yes    </u>	<u>    FACU    </u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>    105    </u>	x 1 = <u>    105    </u>
FACW species <u>    15    </u>	x 2 = <u>    30    </u>
FAC species <u>    0    </u>	x 3 = <u>    0    </u>
FACU species <u>    5    </u>	x 4 = <u>    20    </u>
UPL species <u>    0    </u>	x 5 = <u>    0    </u>
Column Totals: <u>    125    </u> (A)	<u>    155    </u> (B)
Prevalence Index = B/A = <u>    1.24    </u>	

Herb Stratum (Plot size: <u>    5'    </u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Glyceria striata</u>	<u>    85    </u>	<u>    Yes    </u>	<u>    OBL    </u>
2. <u>Lysimachia nummularia</u>	<u>    10    </u>	<u>    No    </u>	<u>    FACW    </u>
3. <u>Rosa palustris</u>	<u>    5    </u>	<u>    No    </u>	<u>    OBL    </u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

**Hydrophytic Vegetation Indicators:**

     1 - Rapid Test for Hydrophytic Vegetation

  X   2 - Dominance Test is >50%

  X   3 - Prevalence Index is ≤3.0<sup>1</sup>

     4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

     Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Woody Vine Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?**      Yes   X        No     

Remarks: (Include photo numbers here or on a separate sheet.)

**SOIL**

Sampling Point:     A wet    

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-4	10YR 3/1	100					Loamy/Clayey	
4-10	10YR 3/1	80	2.5YR 2.5/4	20	C	M	Sandy	Prominent redox concentrations

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<b>Hydric Soil Indicators:</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>	
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B)	<input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)	<input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> High Chroma Sands (S11) (LRR K, L)	<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)	<input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)	
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> Red Parent Material (F21)	
<input checked="" type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Marl (F10) (LRR K, L)	<input type="checkbox"/> Very Shallow Dark Surface (F22)	
<input type="checkbox"/> Stripped Matrix (S6)		<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> ? Dark Surface (S7)			

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if observed):</b> Type: _____ Depth (inches): _____	Hydric Soil Present?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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Remarks:  
 This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. ([http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_051293.docx](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx))

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of the Village of Douglas Zoning Board of Appeals  
**Date:** November 13, 2023 | **Revised January 2, 2024**  
**From:** Tricia Anderson, AICP  
**RE:** **611 Campbell St. – Dimensional Variance Request**

**Overview of Revisions:** The ZBA held a public hearing for the request to allow a swimming pool in the required front yard at the subject site, 611 Campbell on November 28, 2023. At that meeting, the ZBA requested a survey from the applicant to determine the amount of existing space in the rear yard, and whether a pool would be feasible in this area.

The applicant has provided a survey that depicts the dimensions of the rear yard. We have marked up the survey to allow the ZBA to visualize the pool envelope, as shown in Figure 1.

At the January 8, 2024 meeting, the ZBA will use the additional information provided in the survey to determine whether the criteria outlined in Section 29.05 of the Douglas Zoning Ordinance have been met. We have provided some additional remarks in this revised report denoted in red.

**Request.** Matthew Saleski has submitted an application for a variance, seeking relief from Section 16.16(6) for the purpose of installing a 14' x 22' (308 square feet) below-ground pool within the required front yard. Section 16.16(6) prohibits swimming pools in any required front yard.

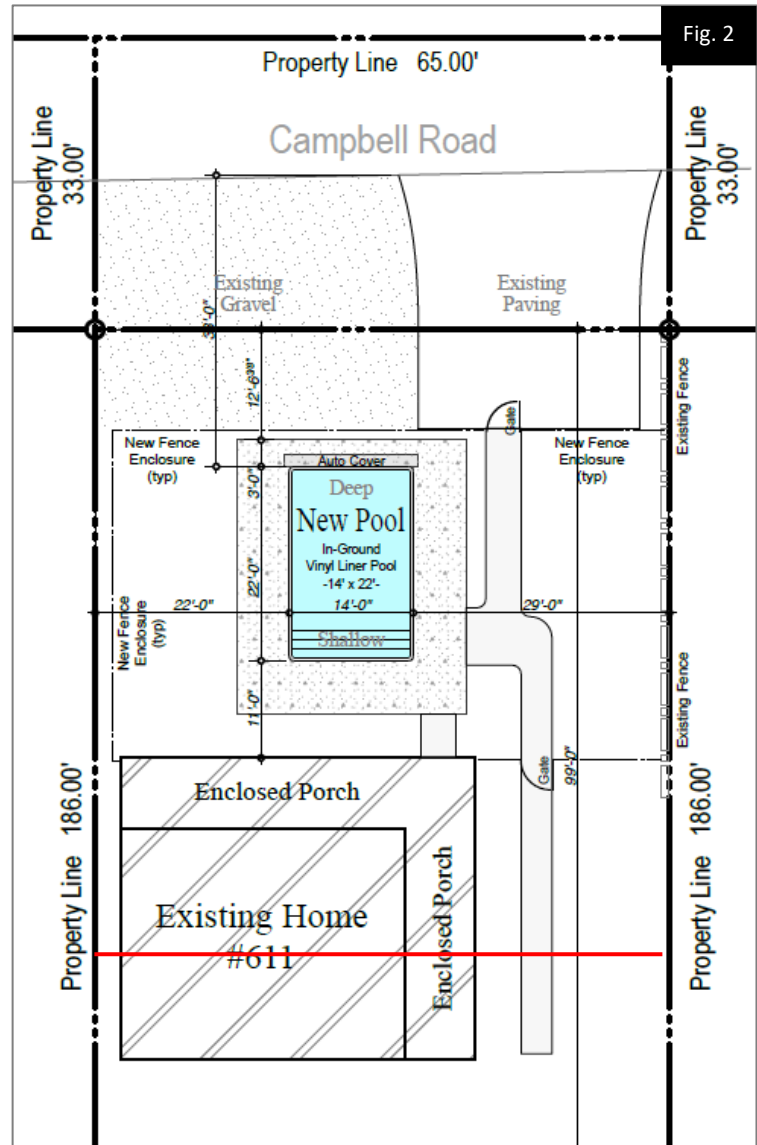
**Background.** The parcel located at 611 Campbell is a 28-acre (12,196 square feet) lot zoned R-2 Residential. The lot is deemed lawfully nonconforming by way of lot width, containing 65' in width, where the current minimum lot width requirement in the R-2 zoning district is 75'. The lot is occupied by two dwelling units, one of which is 1,248 square feet, and the other is



614 square feet, both constructed in the 1930s, as depicted in Figure 1. Presumably, the southern unit was converted from an accessory building to a dwelling unit at some unknown point in time, though no evidence could be found to support this. The two dwelling units located on the subject parcel are commonly known as *Cedar Shores of Douglas Beach* and both are rented seasonally. The applicant is also the owner of the parcel immediately south of the subject parcel. The subject parcel also contains a dedicated parking area for guests, situated at the edge of pavement of Campbell Road. The requests the variance to allow for a pool in the front yard of the northernmost dwelling unit for the enjoyment of the Cedar Shores guests. The reason for the request is due to no other feasible location on the property to place the pool.

The Zoning Ordinance defines a swimming pool as, “any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing”. A swimming pool is also considered an accessory structure since it is an accessory use commonly associated with a principal residential use. Section 16.13, Accessory Uses, Buildings, and Structures indicates in subsection 5, Lot Coverage, that the total area of accessory buildings and structures shall not exceed the ground floor area of the principal building. This subsection excludes swimming pools from the calculation of lot coverage and allows up to 60% of the rear yard to be occupied by accessory structures if the principal building meets applicable side and rear setback standards.

Swimming pools, regulated as accessory structures, are permitted to be situated no closer than 10’ to the rear property line, 6’ to any existing structure, and no closer than the district side yard setback, which is 7’ in R-2, per Section 16.13(2) and (3).



The applicant’s request to locate the swimming pool in the front yard is accompanied by a site plan, which depicts the proposed pool in the required front yard, shown in Figure 2. The front property line of this parcel runs to the center of Campbell Road, which means a measurement of 33’ from the center of the road toward the subject parcel is the “imaginary line” to which the front yard setback is measured to. This line is generally located just inside the southern edge of the



paved and gravel surface parking area (see red line in Figure 2). The pool is proposed to be located at the property line, and shows 22' to the west side property line and 29' to the east side property line. There is a proposed 11' between the pool and the adjacent dwelling unit.

**Pre-Hearing Conference.** Section 29.05(3) requires that a *pre-hearing conference* be held prior to scheduling a public hearing for the item. This conference took place on October 13, 2023 via the Zoom platform, whereby the requirements of Section 29.05(3) below, were satisfied. The applicant provided a virtual view of the different areas of the property, including spaces that, from an aerial view appear to perhaps be a feasible location for the pool. The applicant was briefed on the procedures and the criteria that must all be met in order for a variance to be granted.

**29.05(3) Pre-Hearing Conference:**

- a. *Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference with the Zoning Administrator and City Attorney.*
- b. *The purposes of the pre-hearing conference shall be to:*
  - i. *Review the procedure for the hearing and identify all persons who will testify (directly or through affidavit) and the evidence to be offered on behalf of the applicant.*
  - ii. *Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.*
  - iii. *Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals, or other relief which may require action by persons or bodies other than the zoning board of appeals which will afford an adequate remedy for the applicant.*
  - iv. *Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing*
- c. *The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.*
- d. *The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.*

**Criteria for Granting Variances: Section 29.05.** The Zoning Board of Appeals, in their review of the variance request, will consider whether the following criteria are met. These criteria are listed below, along with our remarks:

- 1) *Nonuse variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area*

and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

- a) That there are **practical difficulties** that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

**Remarks:** The land use on the subject parcel is dedicated to two dwelling units being utilized as short-term rentals. The southernmost unit covers a large portion of the rear yard that would otherwise be suitable for locating a swimming pool. Due to the configuration of the buildings, the applicant is significantly limited in open space available to place a swimming pool. Figure 3 depicts a potential location for a pool in the rear yard,

however, the 10' rear yard setback and the 6' setback from the adjacent structure would need to be met. Based on information provided by the applicant, this location does not appear to be



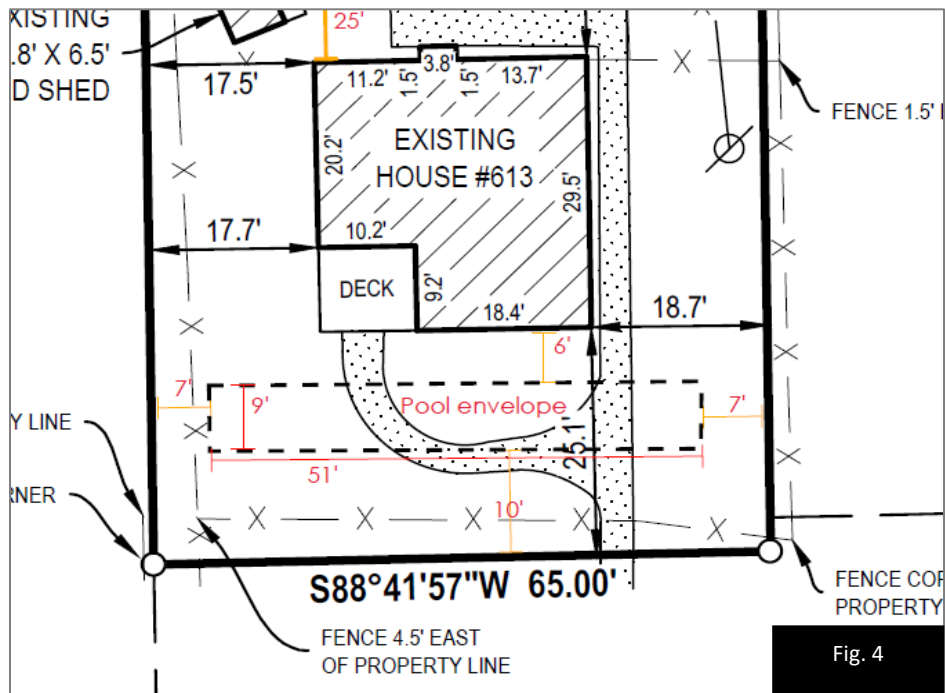
feasible because of the limited space in this area.

***This criterion may be met upon additional information being submitted for review.***

The applicant may need to submit a survey which provides additional dimensions to determine if a pool can be located in the rear in accordance with the 10' rear yard setback, 7' side yard setbacks and the 6' setback from the existing dwelling unit.

The applicant has provided a survey, drawn by Nederveld & Associates, dated 12/12/2023 which provides the additional dimensions noted in our remarks. Figure 4 provides a sketch of what the building envelope would look like for a pool in the rear yard if it were to meet the setback requirements from the adjacent structure, rear property line, and side property lines.

In our view, the space permitted to construct a pool in the rear yard in accordance with the required setbacks is limited and would not support



the dimensions of the pool that is proposed and sized for the front yard. The Zoning Board of Appeals will need to determine whether the substandard size of the lot and the configuration of the existing buildings are deemed to demonstrate a practical difficulty in meeting the letter of the ordinance.

- b) *That a genuine practical difficulty exists because of **unique circumstances** or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.*

**Remarks:** The practical difficulty in meeting the letter of the ordinance is related to both the parcel’s substandard width and the siting of the dwellings on the lot. The 65’ width of the subject parcel appears to be somewhat narrower than the majority of existing lots in the general vicinity and along Campbell Road.

**This criterion appears to be met.** With the additional information, we continue to believe that this criterion is met.

- c) *That the practical difficulty or special conditions or circumstances do not result from the **actions of the applicant**.*

**Remarks:** The applicant purchased the property recently and the buildings have been situated in their current locations since the 1930’s, according to the assessor’s records, and the lot width is not substandard due to any affirmative action on behalf of the applicant.

**This criterion appears to be met.**

- d) *That the variance will relate **only to property** under control of the applicant.*

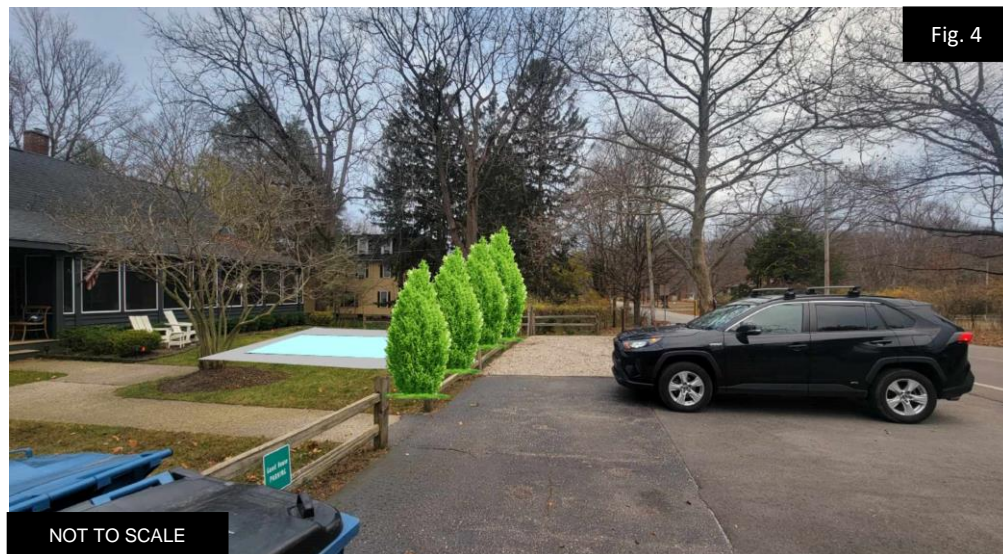
**Remarks:** The requested variance only relates to the property in which the proposed swimming pool is planned.

***This criterion appears to be met.***

- e) *That the variance will be **in harmony with the general purpose and intent of this Ordinance** and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. **If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.***

**Remarks:** The variance, as requested, is not likely to pose any adverse effects on the surrounding property. During pre-application conference, the discussion around other locations that would meet setbacks concluded that the proposed front yard location is the only feasible location, according to the applicant.

If a variance could be granted for the proposed pool to occupy the rear yard if the setbacks could not be met, this would be the “lesser variance”. However, the Zoning Board of Appeals granted a variance in 2012 to 823 Campbell, under similar circumstances, therefore, granting a variance for the proposed location would be more consistent with justice to others.



Any potential for adverse effects on adjacent properties may be mitigated by the addition of some screening vegetation (as shown in Figure 4).

***This criterion may be met with the addition of vegetation along the north edge of the pool.***

**Additional Remarks:** The last sentence in the criterion states: *If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.*

Our interpretation of this statement is that it implies that the decision-maker should consider not only strict adherence to rules but also the broader principles of justice and fairness. If a smaller deviation from the standard rules would still achieve the desired outcome and provide relief without causing harm or injustice, then that may be the preferred decision. Based on the additional information provided by the applicant, it's clear that the square footage of the rear yard would not support the dimensions of the pool proposed for the front yard. The ZBA may determine that the *lesser variance*, such as a reduced setback from the rear property line, would allow the property owner to construct the pool and still provide substantial relief from the letter of the ordinance. However, the second part of the last statement would imply that the lesser variance would also be fair in terms of what others in the general vicinity have been afforded. **The Zoning Board must determine whether the denial of the request to locate the pool in the front yard, but willingness to grant a lesser variance for locating the pool in the rear yard would be "fair" relevant to variances that have been granted in the past to allow a pool in the front yard.**

- f) *That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would **render conformity unnecessarily burdensome.***

**Remarks:** It is our view that this criterion applies only to the request for a use variance.

***This criterion is not applicable.***

- g) *That the variance requested is **the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.***

**Remarks:** As noted in part e above, the minimum amount necessary to overcome the inequality (which, in this case, is being afforded the right to an accessory use commonly enjoyed by several property owners in the general vicinity), would be to allow a pool in the rear yard, which is likely to not meet the setbacks and a variance would need to be sought. However, in this case, the being afforded the right to enjoy a swimming pool *in the front yard* becomes the inequality when taking into account the similar circumstances around the variance that was granted to allow the pool in the front yard at 823 Campbell Road.

***This criterion may be met.***

- h) *That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for*

*which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).*

**Remarks:** This criterion is not applicable, as it pertains to land use variances.

***This criterion is not applicable.***

**Final Thoughts.** The applicant should be aware that a water main may be located in the front yard in the area where the pool is proposed. A survey should be conducted to avoid any conflict with the connection line to the water main if the variance is granted and the pool can be constructed.

**Recommendation and Summary of Findings.** At the November 28, 2023 meeting, the Zoning Board of Appeals should carefully consider the findings in this report, comments made by the public, and any new and compelling information brought forth by the applicant. Our findings would indicate that precedence may have been set by granting the variance under similar circumstances at 823 Campbell, as well as the potential for each criterion above to be met. Again, *all the criteria outlined in section 29.05 must be met* in order for a variance to be granted. A summary of findings along with a suggested motion is provided below.

If the Zoning Board is inclined to deny the request to locate the pool in the front yard, clear findings of fact must be stated into the record. If the board collectively feels that they would consider a request to seek a variance from the rear yard dimensions for the purpose of locating the pool in the rear yard, a separate public hearing must be held, along with a separate notice of public hearing to all property owners within 300' of the subject property and the notice published in a newspaper of general circulation in the City.

***Suggested Motion:***

I move to [approve/deny/table] the request to grant a variance from Section 16.16 (6), Swimming Pool Placement, R-2 Residential District, to construct a swimming pool in the front yard of the parcel located at 611 Campbell Road, based on the following findings:

1. Practical Difficulty – There is a practical difficulty as it pertains to the physical characteristics of the land that would be considered unique to the subject parcel as it is narrower than conforming lots in the general vicinity.
2. Unique Circumstances – The substandard lot width is considered a unique circumstance that contributes to the practical difficulty in meeting the letter of the ordinance.

3. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties due to a swimming pool in the front yard, provided some vegetation is added to screen the view of the pool.
4. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was not created by the applicant, as the configuration of the dwellings on the lot has been in existence since the 1930s.
5. Minimum Variance Necessary – Other options do not appear to be viable that would lessen or avoid the amount of relief needed from the ordinance to rectify the inequality created by the variance that was granted at 823 Campbell for a pool in the front yard.

If the Zoning Board is inclined to grant the requested variance, it is recommended that it be subject to the following conditions:

1. The applicant shall provide 4-6 evergreen plantings with a height of 6' along the north edge of the swimming pool, prior to the issuance of occupancy being granted for use of the pool.
2. The applicant shall construct the pool in accordance with the site plan submitted with this application.
3. The applicant shall apply for a zoning permit prior to making any alteration to the land in preparation for the pool to be installed.







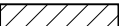
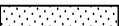
Please feel free to reach out with any questions related to this issue.

# CAMPBELL ROAD

## SCHEDULE B - SECTION II NOTES

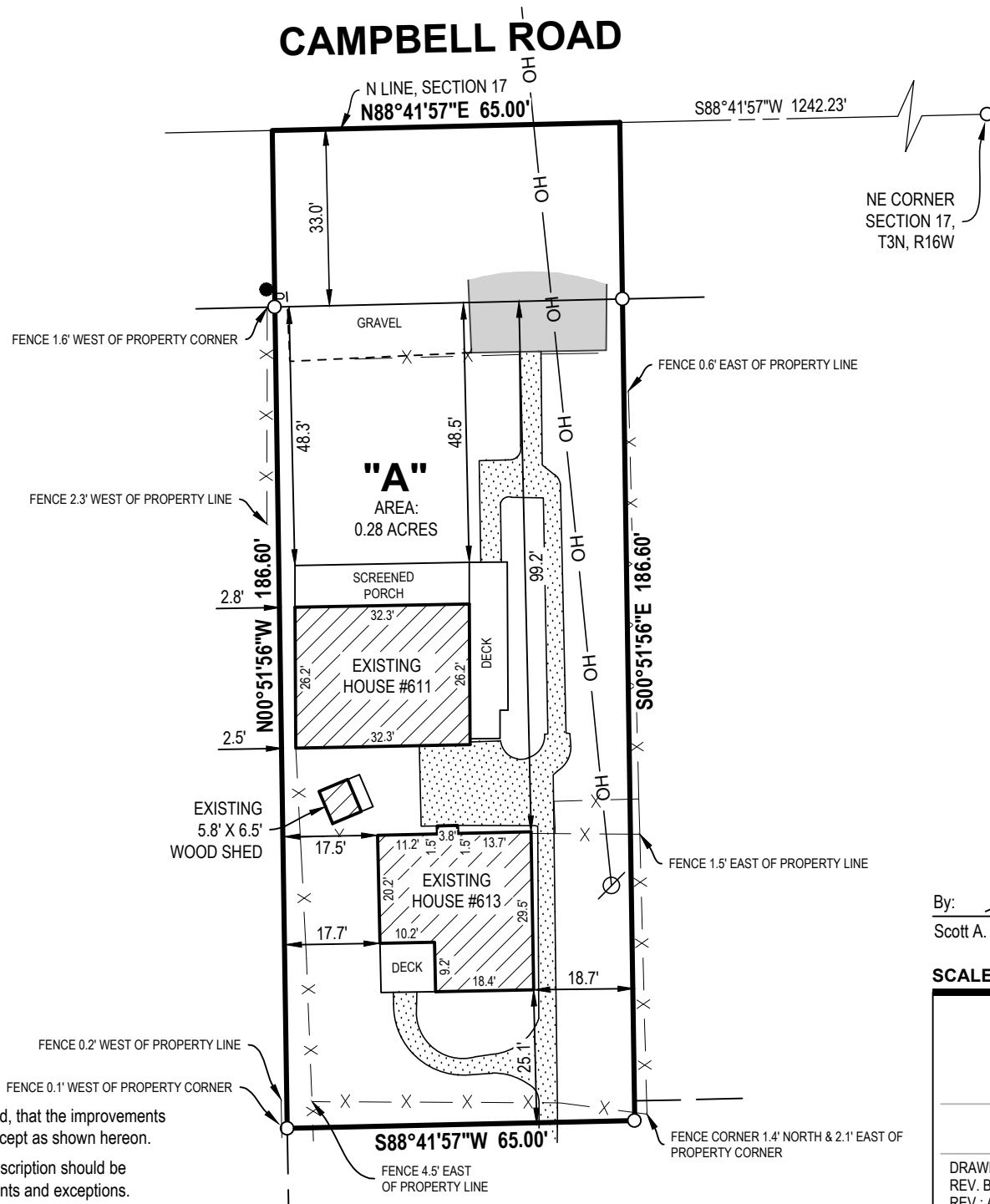
No survey-related items to depict.

## LEGEND

-  Iron-Found
-  Post
-  Utility Pole
-  Fence
-  Overhead Utility
-  Asphalt
-  Existing Building
-  Concrete

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

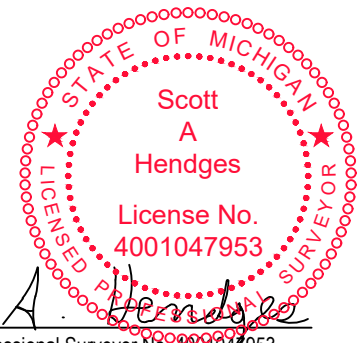


## DESCRIPTION

Land Situated in the State of Michigan, County of Allegan, City of Douglas.


Parcel A: Part of the Northeast 1/4 of Section 17, Town 3 North, Range 16 West, Village (now City) of Douglas, Allegan County, Michigan, described as: Commencing at the Northeast corner of said Section 17; thence South 88 degrees 41 minutes 57 seconds West 1242.23 feet along the North line of said Section 17 to the point of beginning; thence South 00 degrees 51 minutes 56 seconds East 186.60 feet parallel with the West line of the Northeast 1/4 of the Northeast 1/4 of Section 17; thence South 88 degrees 41 minutes 57 seconds West 65.00 feet; thence North 00 degrees 51 minutes 56 seconds West 186.60 feet to a point on the North line of said Section 17; thence North 88 degrees 41 minutes 57 seconds East 65.00 feet along said North line to the point of beginning.

(Chicago Title, Commitment No. 031196536WTA, dated February 10, 2023)



By: *Scott A. Hendges*  
 Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 30' 0' 15' 30' NORTH

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611 Campbell Rd		
DRAWN BY: JV REV. BY: JV REV.: ADDITIONAL BUILDING TIES	DATE: 12-12-2023 REV. DATE: 12-21-2023	PRJ #: 23201895.1 1 OF 1